



Washington State  
**Liquor and Cannabis Board**

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**Date:** January 7, 2026

**To:** Jim Vollendroff, Board Chair  
Ollie Garrett, Board Member  
Pete Holmes, Board Member

**From:** Kevin Walder, Policy & Rules Manager

**Copy:** Will Lukela, Agency Director  
Toni Hood, Agency Deputy Director  
Lawrence Grant, Director of Enforcement and Education  
Becky Smith, Licensing Director  
Justin Nordhorn, Policy and External Affairs Director  
Kevin Walder, Policy & Rules Manager

**Subject:** **Request for approval of final rules (CR 103) regarding the Expedited 2025 Legislative Implementation package (HB 1636, HB 1698, 2SSB 5786, etc.)**

The Director’s Office requests that the Board adopt the final rules and approve the CR 103 to amend 50 WAC sections and repeal 1 section of Title 314 WAC to implement HB 1636, HB 1698, 2SSB 5786, and other miscellaneous statutory changes that took effect in or prior to 2025.

The Board has been briefed on the rule development background for this rule making project. There were no objections or public comments received on the CR 105. The CR 103 memorandum, CR 103 form, Concise Explanatory Statement, and rule text are attached.

If approved, the Policy and Rules Coordinator will file the rules with the Office of the Code Reviser on January 20, 2026, the first available filing date.

Because all rule changes included in this rulemaking order are required by current state statutes, RCW 34.05.380 (3)(a) allows for these rules to become effective immediately upon filing.

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove

\_\_\_\_\_  
Jim Vollendroff, Chair

1/7/2026  
Date

\_\_\_\_\_ Approve      \_\_\_\_\_ Disapprove      \_\_\_\_\_      1/7/2026  
Ollie Garrett, Board Member      Date

\_\_\_\_\_ Approve      \_\_\_\_\_ Disapprove      \_\_\_\_\_      1/7/2026  
Pete Holmes, Board Member      Date

- Attachments: CR 103 Memorandum  
Concise Explanatory Statement  
RDS-6784  
RDS-6788  
RDS-6789  
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RDS-6840



## CR 103 Memorandum

**2025 Legislative Implementation Package (HB 1636, HB 1698, 2SSB 5786, etc. )**

Date: January 7, 2026  
Presented by: Kevin Walder, Policy & Rules Coordinator

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### Background

During the 2025 Legislative Session, the Washington State Legislature passed HB 1636, HB 1698, and 2SSB 5786 into law. These bills made explicit amendments to several statutes (RCWs) upon which dozens of LCB rules (WACs) are based. Because LCB rules must align with existing statute, and the LCB has no discretion regarding the implementation of the changes made in statute, the LCB has utilized the expedited rulemaking process in adherence with [RCW 34.05.353](#), to adopt various rule amendments.

In addition to aligning rules with these new statutory changes, the LCB also adopted other miscellaneous rule changes that are explicitly dictated by statute, over which the Board has no discretion regarding implementation. These changes include typographical corrections and the repeal of temporary provisions in rule allowing for the delivery of certain alcoholic beverages during the Covid-19 pandemic that have since been repealed in statute.

### Rule Necessity

This rulemaking is needed to align existing rules with HB 1636, Chapter 95, Laws of 2025; HB 1698, Chapter 167, Laws of 2025; and 2SSB 5786, Chapter 343, Laws of 2025 and correct other areas where rule is not currently aligned with statute.

### Description of Rule Changes

The amendments to the existing rules include:

**4 WAC sections were amended** to align with [House Bill 1636](#), which eliminated the 24 liter per transaction limit imposed on licensees with an endorsement to sell or resell alcohol to other retailers licensed to sell alcohol for on-premises consumption.

**13 WAC sections were amended** to align with [House Bill 1698](#), which revised terminology to include the defined term “on-premises licensed facility” and updated Mandatory Alcohol Server Training (MAST) requirements. The military installation permit and public house license were also eliminated.

**34 WAC sections were amended** to align with [Second Substitute Senate Bill 5786](#), which updated most alcohol license, permit, and endorsement fees.

**5 WAC sections were amended** and 1 WAC section was repealed to correct miscellaneous typographical errors and align with various other statutory changes that took effect during or before 2025.

Further details regarding specific WAC changes and specific statutory authority for these changes can be found in the [CR-105 memo](#), which was submitted with the [CR-105 filing \(WSR 25-23-073\)](#).

### **Expedited Rulemaking**

Per [RCW 34.05.353 \(1\)\(b\)](#), the proposed rule changes qualify for expedited rulemaking because the rules, “adopt or incorporate by reference without material change... Washington state statutes.”

Per [RCW 34.05.353 \(6\)](#), any person may file a written objection to expedited rulemaking within 45 days of the CR-105 notice, which was published in the Washington State Register on December 3, 2025. Provided that no objections are received, the CR-103 will be filed on January 20, 2026, the earliest permissible date to do so.

Because all rule changes included in this rulemaking order are required by current state statutes, [RCW 34.05.380 \(3\)\(a\)](#) allows for these rules to become effective immediately upon filing.



# RULE-MAKING ORDER

## PERMANENT RULE ONLY

### CR-103P (December 2017) (Implements RCW 34.05.360)

**Agency:** Washington State Liquor and Cannabis Board (LCB)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) Effective immediately upon filing\* (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** This rulemaking order updates various LCB rules to align with existing statutes per the following legislation passed in 2025:

House Bill 1636 – Chapter 95, Laws of 2025 – Wine and Spirit Sales to Retailers—Per Transaction Limit  
House Bill 1698 – Chapter 167, Laws of 2025 – Liquor Permits and Licensing—Various Provisions  
Second Substitute Senate Bill 5786 - Chapter 343, Laws of 2025 – Liquor Licenses, Permits, and Endorsements—Fees

Statutory changes per HB 1636 include the elimination of the 24 liter per transaction limit imposed on licensees with an endorsement to sell or resell alcohol to other retailers licensed to sell alcohol for on-premises consumption.

Statutory changes per HB 1698 include updates to Mandatory Alcohol Server Training (MAST) requirements and revised terminology.

Statutory changes per HB 5786 include updates to license, permit, and endorsement fees.

This rulemaking order also includes miscellaneous corrections to typographical errors and updates to align rules with various statutory changes from previous years that became effective prior to and during 2025, including the repeal of delivery provisions that were temporarily allowed during the Covid-19 pandemic.

\* Because all rule changes included in this rulemaking order are required by current state statutes, RCW 34.05.380 (3)(a) allows for these rules to become effective immediately upon filing.

**Citation of rules affected by this order:**

New:

Repealed: WAC 314-03-600

Amended: WAC 314-02-020, WAC 314-02-036, WAC 314-02-041, WAC 314-02-043, WAC 314-02-060, WAC 314-02-065, WAC 314-02-070, WAC 314-02-075, WAC 314-02-092, WAC 314-02-100, WAC 314-02-103, WAC 314-02-105, WAC 314-02-106, WAC 314-02-110, WAC 314-03-035, WAC 314-03-500, WAC 314-03-505, WAC 314-03-510, WAC 314-07-080, WAC 314-07-085, WAC 314-11-015, WAC 314-13-010, WAC 314-17-010, WAC 314-17-015, WAC 314-17-025, WAC 314-17-030, WAC 314-17-060, WAC 314-18-040, WAC 314-19-015, WAC 314-19-020, WAC 314-20-015, WAC 314-20-019, WAC 314-20-145, WAC 314-20-350, WAC 314-23-005, WAC 314-23-030, WAC 314-24160, WAC 314-24-163, WAC 314-24-232, WAC 314-24-350, WAC 314-28-300, WAC 314-28-350, WAC 314-38-020, WAC 314-38-040, WAC 314-38-050, WAC 314-38-070, WAC 314-38-100, WAC 314-38-110, WAC 314-45-010, and WAC 314-55-075

Suspended:

**Statutory authority for adoption:** RCW 34.05.353, RCW 66.08.030, RCW 66.08.31, RCW 66.20.010, RCW 66.20.110, RCW 66.20.300, RCW 66.20.310, RCW 66.20.400, RCW 66.24.015, RCW 66.24.035, RCW 66.24.055, RCW 66.24.146, RCW 66.24.179, RCW 66.24.246, RCW 66.24.248, RCW 66.24.320, RCW 66.24.330, RCW 66.24.350, RCW 66.24.354, RCW 66.24.360, RCW 66.24.363, RCW 66.24.371, RCW 66.24.420, RCW 66.24.540, RCW 66.24.550, RCW 66.24.580, RCW 66.24.590, RCW 66.24.600, RCW 66.24.610, RCW 66.24.630, RCW 66.24.710, RCW 69.50.325, and RCW 69.50.342 – See CR-105 Memorandum at <https://lcb.wa.gov/laws/current-rulemaking-activity> for detailed information regarding statutory justification for each WAC change.

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 25-23-073 on November 18, 2025 (date).

Describe any changes other than editing from proposed to adopted version: No changes

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero. No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New		Amended	<u>50</u>	Repealed	<u>1</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** January 20, 2026

**Name:** Jim Vollendroff

**Title:** Chair

**Signature:**

Place signature here

**WAC 314-03-035 Consumer orders, internet sales, and delivery for on-premises beer and/or wine liquor licensees.** An on-premises beer and/or wine licensee may accept orders for beer or wine from, and deliver beer or wine to, customers (~~(, if the licensee obtains a delivery endorsement under RCW 66.24.710)~~).

(1) **Resale.** Beer and wine shall not be for resale.

(2) **Stock location.** Beer and wine must come directly from a licensed on-premises retail location.

(3) **How to place an order.** Beer and wine may be ordered in person at a licensed location, by mail, telephone, internet, or by other similar methods.

(4) **Sales and payment.**

(a) Only a licensee or a licensee's direct employees may accept and process orders and payments. A contractor may not do so on behalf of a licensee, except for transmittal of payment through a third-party service. The use of internet or mobile applications for retail customers to purchase alcohol in Washington state is allowed under the following conditions:

(i) The sale must be made by the licensee;

(ii) The licensee processes the payment; and

(iii) The liquor licensee pays the owner of the mobile application a service fee.

(b) All orders and payments shall be fully processed before liquor transfers ownership.

(c) Payment method. Payment methods include, but are not limited to: Cash, credit or debit card, check or money order, electronic funds transfer, or an existing prepaid account. An existing prepaid account may not have a negative balance.

(d) Internet. To sell beer and wine via the internet, a new license applicant must request internet-sales privileges in their application. An existing licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

(5) **Delivery location.** Delivery shall be made only to a residence or business that has an address recognized by the United States Postal Service; however, the board may grant an exception to this rule at its discretion. A residence includes a hotel room, a motel room, or other similar lodging that temporarily serves as a residence.

(6) **Hours of delivery.** Beer and wine may be delivered each day of the week between the hours of 6:00 a.m. and 2:00 a.m. Delivery must be fully completed by 2:00 a.m.

(7) **Age requirement.**

(a) Per chapter 66.44 RCW, any person under 21 years of age is prohibited from purchasing, delivering, or accepting delivery of beer and wine.

(b) A delivery person must verify the age of the person accepting delivery before handing over beer and wine.

(c) If no person 21 years of age or older is present to accept a beer and wine order at the time of delivery, the beer and wine shall be returned to the licensee.

(8) **Intoxication.** Delivery of beer and wine is prohibited to any person who shows signs of intoxication.

(9) **Containers and packaging.**

(a) Individual units of beer and wine must be factory sealed in bottles, cans, or other like packaging. Delivery of growlers, jugs or other similar, nonfactory sealed containers is prohibited. Delivery of malt liquor in kegs or other containers capable of holding four gallons or more of liquid is allowed, provided that kegs or containers are factory sealed and that the keg sales requirements (see WAC 314-02-115) are met prior to delivery. For the purposes of this subsection, "factory sealed" means that a unit is in 100 percent resalable condition, with all manufacturer's seals intact.

(b) The outermost surface of a beer and wine package must have language stating that:

- (i) The package contains liquor;
- (ii) The recipient must be 21 years of age or older; and
- (iii) Delivery to intoxicated persons is prohibited.

(10) **Required information.**

(a) Records and files shall be retained at a licensed premises. Each delivery sales record shall include the following:

- (i) Name of the purchaser;
- (ii) Name of the person who accepts delivery;
- (iii) Street addresses of the purchaser and the delivery location; and
- (iv) Times and dates of purchase and delivery.

(b) An employee delivering beer or wine must obtain the signature of the person who receives beer and wine upon delivery.

(c) A sales record does not have to include the name of the delivery person, but it is encouraged.

(11) **Website requirements.** When selling over the internet, all website pages associated with the sale of beer and wine must display a licensee's registered trade name.

(12) **Accountability.** A licensee shall be accountable for all deliveries of beer and wine made by employees.

(13) **Violations.** The board may impose administrative enforcement action upon a licensee, or suspend or revoke a licensee's delivery privileges, or any combination thereof, should a licensee violate any condition, requirement or restriction.

AMENDATORY SECTION (Amending WSR 24-04-042, filed 1/31/24, effective 3/2/24)

**WAC 314-03-500 Endorsement for sale of manufacturer sealed alcohol products through takeout ((~~or delivery service~~)).** (1) An endorsement for the sale of manufacturer sealed alcohol products is available through takeout ((~~and delivery service~~)) as set forth in RCW 66.24.710. There is no fee for a licensee to apply for and obtain this endorsement.

(2)(a)(i) An endorsement to sell manufacturer sealed alcohol products at retail through takeout ((~~or delivery service~~)) is available to the following licensees: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; snack bars; nonprofit arts licensees; and caterers.

(ii) This endorsement allows licensees authorized to sell spirits to sell ready-to-drink cocktails through takeout (~~(or delivery service)~~).

(b) This endorsement is separate from the endorsements in WAC 314-03-505 and 314-03-510 that authorize the sale through takeout (~~(or delivery service)~~) of nonmanufacturer or nonfactory sealed premixed cocktails, wine by the glass, premixed wine and spirits cocktails, premixed wine drinks, or growlers.

(3) In order to obtain and maintain the endorsement described in this section, licensees must meet the following requirements:

(a) Alcohol products must be sold in closed, factory or manufacturer sealed packages or containers, such as cans and bottles. Licensees may only sell the types of manufacturer sealed alcohol products under this endorsement that they are authorized to sell under the terms of their license.

(b) If an alcohol product authorized for sale under this endorsement is enclosed inside a bag, box, or other packaging before the alcohol product is provided to the customer through takeout (~~(or delivery service)~~), the exterior of the bag, box, or other packaging must be clearly marked or labeled with the words "CONTAINS ALCOHOL, FOR PERSONS 21+" in a size that is legible and readily visible.

(c) (~~If the alcohol products authorized for sale under this endorsement are sold through delivery service:~~

~~(i) Licensees must comply with the requirements in the consumer orders, internet sales, and delivery rules in this title. For these requirements, see WAC 314-03-020 through 314-03-040.~~

~~(ii)(A) At the time of delivery, the employee making the delivery must verify that the person receiving the delivery is at least 21 years of age using an acceptable form of identification in WAC 314-11-025. See RCW 66.44.270.~~

~~(B) Delivery of an alcohol product must be performed by an employee of an alcohol delivery endorsement holder who is 21 years of age or older and possesses a class 12 permit, in accordance with RCW 66.20.310.~~

~~(iii) As set forth in RCW 66.24.710, upon delivery of the alcohol product, the signature of the person who is 21 years of age or older receiving the delivery must be obtained. Delivery sales records must meet the requirements in the consumer orders, internet sales, and delivery rules. For general record retention requirements, see WAC 314-11-095.~~

~~(iv) If no person age 21 or over is present to accept the alcohol product at the time of delivery, the alcohol product must be returned to the licensee. An alcohol product may not be left unattended at a delivery location.~~

~~(v) Delivery of an alcohol product may not be made to any person who shows signs of intoxication. See RCW 66.44.200.~~

~~(vi) Alcohol delivery under this section shall be performed by direct employees of the licensee.~~

~~(d)) (i) In addition to the signs required by WAC 314-11-060, signs provided electronically by the board regarding public consumption and transportation of any alcohol products sold through takeout (~~(or delivery service)~~) must be posted in plain view at:~~

~~(A) The main entrance to the area of the premises where alcohol products are sold; and~~

~~(B) The areas of the premises where alcohol products are picked up for takeout (~~(or delivery service)~~).~~

(ii) The signs will be designed to remind customers purchasing alcohol products through takeout (~~(or delivery service)~~) that they must comply with applicable laws and rules including, but not limited to, restrictions on consuming alcohol in public in RCW 66.44.100 and restrictions on drinking or having an open container in a vehicle in RCW 46.61.519.

~~((e) Delivery services conducted and)~~ (d) Alcohol sold for takeout by beer and wine restaurant licensees and spirits, beer and wine restaurant licensees must be accompanied by a purchased meal prepared and sold by the license holder under RCW 66.24.710.

(4) In addition to the requirements listed in this section, licensees must comply with all applicable requirements in Title 66 RCW, Title 314 WAC, and any other applicable laws and rules including, but not limited to, restrictions on sales to minors and intoxicated persons in chapter 66.44 RCW and WAC 314-16-150.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alcohol product" means liquor as defined in RCW 66.04.010.

(b) "Factory sealed" or "manufacturer sealed" means that a package or container is in 100 percent resalable condition, with all manufacturer's seals intact.

(c) "Ready-to-drink cocktail" means a drink made by combining spirits with other alcoholic or nonalcoholic beverages and ingredients including, but not limited to, fruit juice, carbonated beverages, flavorings, or cream, that is:

(i) Factory sealed or manufacturer sealed;

(ii) No more than 12 percent alcohol per volume; and

(iii) No more than 12 ounces in volume.

(d) "Spirits" has the same meaning as defined in RCW 66.04.010.

~~((6) The delivery service endorsement described in this section expires July 1, 2025, as set forth in RCW 66.24.710.))~~

AMENDATORY SECTION (Amending WSR 24-04-042, filed 1/31/24, effective 3/2/24)

**WAC 314-03-505 Endorsement for sale of premixed cocktails, wine by the glass, premixed wine and spirits cocktails, or premixed wine drinks through takeout (~~(or delivery service)~~).** (1) An endorsement is available for the sale of premixed cocktails, wine by the glass, premixed wine and spirits cocktails, or premixed wine drinks through takeout (~~(and delivery service)~~) as set forth in RCW 66.24.710. There is no fee for a licensee to apply for and obtain this endorsement.

(2) As set forth in RCW 66.24.710:

(a) An endorsement is available to spirits, beer, and wine restaurants to sell premixed cocktails, wine by the glass, or premixed wine and spirits cocktails through takeout (~~(or delivery service)~~). This endorsement does not authorize the sale of full bottles of spirits for off-premises consumption.

(b) An endorsement is also available to beer and wine restaurant licensees to sell wine or premixed wine drinks by the glass through takeout (~~(or delivery service)~~).

(3) This endorsement is separate from the endorsements in WAC 314-03-500 and 314-03-510 that authorize the sale through takeout (~~(or~~

~~delivery service~~) of manufacturer sealed alcohol products at retail, or growlers.

(4) In order to obtain and maintain the endorsement described in this section, licensees must meet the following requirements:

(a)(i) For spirits, beer, and wine restaurants, food that qualifies as a complete meal under WAC 314-02-010 must be sold with the premixed cocktails, wine by the glass, or premixed wine and spirits cocktails authorized for sale through takeout (~~or delivery service~~) under this endorsement, as set forth in RCW 66.24.710.

(ii) Spirits, beer, and wine restaurants can sell up to three ounces of spirits per complete meal.

(iii) For beer and wine restaurants, a food item that qualifies as minimum food service under WAC 314-02-010 must be sold with the wine or premixed wine drinks by the glass authorized for sale through takeout (~~or delivery service~~) under this endorsement, as set forth in RCW 66.24.710.

(b) The alcohol products authorized for sale through takeout (~~or delivery service~~) under this endorsement must be prepared the same day they are sold.

(c) The alcohol products authorized for sale through takeout (~~or delivery service~~) under this endorsement must be packaged in a container that has been sealed in a manner designed to prevent consumption without removal of the tamper-evident lid, cap, or seal, as set forth in RCW 66.24.710. For the purposes of this subsection, "tamper-evident" means a lid, cap, or seal that visibly demonstrates when a container has been opened. Tape is not a tamper-evident seal. The following list of examples is not comprehensive and is not intended to capture all of the possible types of allowed or disallowed containers:

(i) Examples of containers that are allowed:

(A) Containers with a screw top cap or lid that breaks apart when the container is opened.

(B) Containers with a plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid to form a seal that must be broken when the container is opened.

(C) Vacuum or heat-sealed pouches without holes or openings for straws.

(ii) Examples of containers that are not allowed:

(A) Containers with lids with sipping holes or openings for straws.

(B) Containers such as styrofoam, paper, or plastic cups that lack a tamper-evident lid, cap, or seal.

(d) The containers that the alcohol products authorized for sale under this endorsement are packaged in must be clearly marked or labeled with the words "CONTAINS ALCOHOL, FOR PERSONS 21+" in a size and manner that is legible and readily visible. If a container of alcohol authorized for sale under this endorsement is enclosed inside a bag, box, or other packaging before it is provided to the customer through takeout (~~or delivery service~~), the exterior of the bag, box, or other packaging must be clearly marked or labeled with the words "CONTAINS ALCOHOL, FOR PERSONS 21+" in a size and manner that is legible and readily visible.

(e) To deter public consumption or consumption in a vehicle of premixed cocktails, wine by the glass, premixed wine and spirits cocktails, and premixed wine drinks sold through takeout (~~or delivery service~~), licensees may not put ice directly into the containers that the alcohol products authorized for sale under this endorsement are

packaged in, except for frozen or blended drinks. Ice may be provided separately along with the takeout (~~(or delivery)~~) order.

(f) The premixed cocktails, wine by the glass, premixed wine and spirits cocktails, and premixed wine drinks authorized for sale through takeout (~~(or delivery service)~~) under this endorsement must be placed in the trunk of the vehicle or beyond the immediate reach of the driver or any passengers in compliance with open container requirements in RCW 46.61.519 before being transported off the licensee's premises.

(g) (~~(If the premixed cocktails, wine by the glass, premixed wine and spirits cocktails, and premixed wine drinks authorized for sale under this endorsement are sold through delivery service:~~

~~(i) Licensees must comply with the requirements in the consumer orders, internet sales, and delivery rules in this title, except to the extent that those rules prohibit the sale of nonfactory sealed containers. For these requirements, see WAC 314-03-020 through 314-03-040.~~

~~(ii) As set forth in RCW 66.24.710, delivery must be made by an employee of the licensed business who is at least 21 years of age and holds a class 12 mandatory alcohol server training (MAST) permit under chapter 314-17 WAC. Delivery may not be made by third-party service providers.~~

~~(iii) At the time of delivery, the employee making the delivery must verify that the person receiving the delivery is at least 21 years of age using an acceptable form of identification in WAC 314-11-025. See RCW 66.44.270.~~

~~(iv) As set forth in RCW 66.24.710, upon delivery of the alcohol product, the signature of the person age 21 or over receiving the delivery must be obtained. Delivery sales records must meet the requirements in the consumer orders, internet sales, and delivery rules. For general record retention requirements, see WAC 314-11-095.~~

~~(v) If no person age 21 or over is present to accept the alcohol product at the time of delivery, the alcohol product must be returned to the licensee. An alcohol product may not be left unattended at a delivery location.~~

~~(vi) Delivery of an alcohol product may not be made to any person who shows signs of intoxication. See RCW 66.44.200.~~

~~(h-)) (i) In addition to the signs required by WAC 314-11-060, signs provided electronically by the board regarding public consumption and transportation of any alcohol products sold through takeout (~~(or delivery service)~~) must be posted in plain view at:~~

~~(A) The main entrance to the area of the premises where alcohol products are sold; and~~

~~(B) The areas of the premises where alcohol products are picked up for takeout (~~(or delivery service)~~).~~

~~(ii) The signs will be designed to remind customers purchasing alcohol products through takeout (~~(or delivery service)~~) that they must comply with applicable laws and rules including, but not limited to, restrictions on consuming alcohol in public in RCW 66.44.100 and restrictions on drinking or having an open container in a vehicle in RCW 46.61.519.~~

(5) In addition to the requirements listed in this section, licensees must comply with all applicable requirements in Title 66 RCW, Title 314 WAC, and any other applicable laws and rules including, but not limited to, restrictions on sales to minors and intoxicated persons in chapter 66.44 RCW and WAC 314-16-150.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alcohol product" or "alcoholic beverage" means liquor as defined in RCW 66.04.010.

(b) "Premixed cocktail" means a drink made by combining spirits with other alcoholic or nonalcoholic beverages and ingredients including, but not limited to, fruit juice, carbonated beverages, flavorings, or cream.

(c) "Premixed wine and spirits cocktail" means a drink made by combining wine and spirits with other alcoholic or nonalcoholic beverages and ingredients including, but not limited to, fruit juice, carbonated beverages, flavorings, or cream.

(d) "Premixed wine drink" means a drink made by combining wine with nonalcoholic beverages and ingredients including, but not limited to, fruit juice, carbonated beverages, flavorings, or cream. A premixed wine drink may not include alcoholic beverages other than wine.

(e) "Spirits" has the same meaning as defined in RCW 66.04.010.

(f) "Wine" has the same meaning as defined in RCW 66.04.010.

~~((7) The delivery service endorsement described in this section expires July 1, 2025, as set forth in RCW 66.24.710.))~~

AMENDATORY SECTION (Amending WSR 24-04-042, filed 1/31/24, effective 3/2/24)

**WAC 314-03-510 Endorsement for sale of growlers through takeout ((or delivery service)).** (1)(a) An endorsement is available for the sale of growlers through takeout ~~((and delivery service))~~ as set forth in RCW 66.24.710. There is no fee for a licensee to apply for and obtain this endorsement.

(b) This endorsement is separate from the endorsements in WAC 314-03-500 and 314-03-505 that authorize the sale through takeout ~~((or delivery service))~~ of manufacturer sealed alcohol products at retail, or nonmanufacturer or nonfactory sealed premixed cocktails, wine by the glass, premixed wine and spirits cocktails, and premixed wine drinks.

(2) As set forth in RCW 66.24.710, an endorsement to sell growlers for off-premises consumption through takeout ~~((or delivery service))~~ is available to licensees that were authorized by statute or rule before January 1, 2020, to sell growlers.

(a) Licensees eligible for this endorsement include: Taverns; beer and wine restaurants; spirits, beer, and wine restaurants; grocery stores; beer and wine specialty shops; breweries; microbreweries; wineries; combination spirits, beer, and wine licensees; and hotel licensees.

(b) For a beer and wine specialty shop to be eligible for the endorsement described in this section, the beer and wine specialty shop must meet the requirement in RCW 66.24.371(3), as it existed on December 31, 2019, that the licensee's beer and/or wine sales must be more than 50 percent of the licensee's total sales.

(3) In order to obtain and maintain this endorsement, licensees must meet the following requirements:

(a) Sale of growlers must meet federal alcohol and tobacco tax and trade bureau requirements.

(b) (i) Growlers must be filled at the tap by the licensee at the time of sale, except that beer and wine specialty shops licensed under RCW 66.24.371 and domestic breweries and microbreweries with this endorsement may sell prefilled growlers as set forth in RCW 66.24.710. Prefilled growlers must be sold the same day they are prepared for sale and not stored overnight for sale on future days.

(ii) Brewery and microbrewery products that meet federal alcohol and tobacco tax and trade bureau labeling requirements are not considered prefilled growlers and are not subject to the overnight storage prohibition.

(c) Growlers must be filled with alcohol products, such as beer, wine, or cider, that the licensee was authorized by statute or rule before January 1, 2020, to sell in growlers.

(d) ~~((If the growlers authorized for sale under this endorsement are sold through delivery service:~~

~~(i) Licensees must comply with the requirements in the consumer orders, internet sales, and delivery rules in this title, except to the extent that those rules allow delivery by third-party service providers and prohibit the delivery of growlers. For these requirements, see WAC 314-03-020 through 314-03-040.~~

~~(ii) Delivery must be made by an employee of the licensed business who is at least 21 years of age. Delivery may not be made by third-party service providers.~~

~~(iii) At the time of delivery, the employee making the delivery must verify that the person receiving the delivery is at least 21 years of age using an acceptable form of identification in WAC 314-11-025. See RCW 66.44.270.~~

~~(iv) As set forth in RCW 66.24.710, upon delivery of the alcohol product, the signature of the person age 21 or over receiving the delivery must be obtained. Delivery sales records must meet the requirements in the consumer orders, internet sales, and delivery rules. For general record retention requirements, see WAC 314-11-095.~~

~~(v) If no person age 21 or over is present to accept the alcohol product at the time of delivery, the alcohol product must be returned to the licensee. An alcohol product may not be left unattended at a delivery location.~~

~~(vi) Delivery of an alcohol product may not be made to any person who shows signs of intoxication. See RCW 66.44.200.~~

~~(e-)) (i) In addition to the signs required by WAC 314-11-060, signs provided electronically by the board regarding public consumption and transportation of any alcohol products sold through takeout ((or delivery service)) must be posted in plain view at:~~

~~(A) The main entrance to the area of the premises where alcohol products are sold; and~~

~~(B) The areas of the premises where alcohol products are picked up for takeout ((or delivery service)).~~

~~(ii) The signs will be designed to remind customers purchasing alcohol products through takeout ((or delivery service)) that they must comply with applicable laws and rules including, but not limited to, restrictions on consuming alcohol in public in RCW 66.44.100 and restrictions on drinking or having an open container in a vehicle in RCW 46.61.519.~~

(4) In addition to the requirements listed in this section, licensees must comply with all applicable requirements in Title 66 RCW, Title 314 WAC, and any other applicable laws and rules including, but not limited to, restrictions on sales to minors and intoxicated persons in chapter 66.44 RCW and WAC 314-16-150.



AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

**WAC 314-02-020 What are the fee categories for a spirits, beer, and wine restaurant license?** (1) Per RCW 66.24.420, the annual fee for a spirits, beer, and wine restaurant license is graduated, as follows:

Amount of customer service area dedicated to dining	Annual fee
100%	<del>(\$1,000)</del> <u>\$1,400</u>
50 - 99%	<del>(\$1,600)</del> <u>\$2,200</u>
Less than 50%	<del>(\$2,000)</del> <u>\$2,700</u>

(2) In order for an area to qualify as a dedicated dining area it must be a separate and distinct portion inside of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc. Areas dedicated to live music or entertainment, such as dance floors or stages are not considered dedicated dining areas. Dedicated dining areas may not contain:

- (a) Liquor bars (see definition under WAC 314-02-010(2)); or
- (b) Areas dedicated to games or gaming devices.

(3) The fee for a spirits, beer, and wine restaurant license outside of an incorporated city or town will be prorated according to the calendar quarters the licensee is open for business. This proration does not apply in the case of a suspension or revocation of the license.

(4) A duplicate license is required in order to sell liquor from more than one site on your property. These sites must be located on the same property and owned by the same licensee. The following types of businesses may apply for a duplicate license:

Type of Business	Annual fee per duplicate license
Airport terminal	25% of annual license fee
Civic center (such as a convention center)	<del>(\$10)</del> <u>\$15</u>
Privately owned facility open to the public	<del>(\$20)</del> <u>\$30</u>

AMENDATORY SECTION (Amending WSR 10-01-091, filed 12/16/09, effective 1/16/10)

**WAC 314-02-036 What is a spirits, beer, and wine nightclub license?** (1) This license allows a nightclub as defined in RCW 66.04.010(28) to:

- (a) Sell and serve spirituous liquor by the individual drink for on-premises consumption;
- (b) Sell and serve beer by the open bottle, can, or by tap for on-premises consumption; and
- (c) Sell and serve wine for on-premises consumption.

(2) To obtain and maintain a spirits, beer, and wine nightclub license the nightclub must have primary business hours between 9:00 p.m. and 2:00 a.m.

(3) There are no food requirements for a spirits, beer, and wine nightclub license. Food sales and service are incidental to the sale and service of alcohol.

(4) The annual fee for a spirits, beer, and wine nightclub license is (~~two thousand dollars~~) \$2,500.

AMENDATORY SECTION (Amending WSR 15-01-001, filed 12/3/14, effective 1/3/15)

**WAC 314-02-041 What is a hotel license?** (1) Per RCW 66.24.590, this license allows a hotel to:

(a) Serve spirits by the individual serving for consumption on the licensed premises;

(b) Serve beer, including strong beer, and wine for consumption on the licensed premises;

(c) Sell at retail, from locked honor bars, in individual units, spirits not to exceed (~~fifty~~) 50 milliliters, beer in individual units not to exceed (~~twelve~~) 12 ounces, and wine in individual bottles not to exceed (~~three hundred eighty five~~) 385 milliliters, to registered guests of the hotel for consumption in guest rooms;

(d) Provide, without additional charge, to overnight guests, spirits, beer, and wine by the individual serving for consumption on the licensed premises at a specified regular date, time, and place. Self-service by guests is prohibited;

(e) Sell beer, including strong beer, wine, or spirits, in the manufacturer's sealed container or by the individual drink to guests through room service, or through service to occupants of private residential units which are part of the buildings or complex of buildings, that include the hotel;

(f) Sell beer, including strong beer, and wine, in the manufacturer's sealed container at retail sales locations within the hotel premises;

(g) Place in guest rooms at check-in, complimentary beer, including strong beer, or wine in a manufacturer's sealed container; and

(h) Sell beer and cider as defined in RCW 66.24.210(6) to a purchaser in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap in the restaurant area by the licensee at the time of sale.

(2) The annual fee for a hotel license is (~~two thousand dollars~~) \$2,500.

AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

**WAC 314-02-043 What is a VIP airport lounge license?** (1) Per RCW 66.24.610, a VIP airport lounge liquor license allows a VIP airport lounge licensee to sell or provide spirits, wine, and beer for on-premises consumption as a retail licensed premises.

(a) A VIP airport lounge is a retail establishment in an international airport, beyond security checkpoints.

(b) The VIP airport lounge liquor licensee must be the entity in control of the day-to-day operations of the VIP airport lounge.

(c) Spirits, beer, and wine to be sold or provided complimentary by the individual serving for on-premises consumption to persons at least (~~twenty-one~~) 21 years of age or older.

(d) Customers may not remove spirits, beer, and wine from the premises at any time.

(e) The VIP airport lounge licensee may only serve liquor from a service bar. A service bar is a work station primarily used to prepare and sell alcoholic beverages that are picked up by the customer. Customers are not permitted to mix their own drinks, sit or consume food or alcohol at the service bar.

(f) All alcohol servers must have a valid MAST permit.

(2) The annual fee for this license is (~~two thousand dollars~~) \$2,500.

AMENDATORY SECTION (Amending WSR 18-04-116, filed 2/7/18, effective 3/10/18)

**WAC 314-02-060 What is a caterer's endorsement?** (1) A spirits, beer, and wine restaurant, a beer and/or wine restaurant, and a tavern applicant or licensee may apply for a caterer's endorsement, in order to extend the on-premises license privilege to allow the sale and service of liquor at locations other than liquor licensed premises. See RCW 66.24.420(6), 66.24.320(2), and 66.24.330 for more information about this endorsement.

(2) The annual fee for this endorsement is (~~three hundred fifty dollars~~) \$525.

AMENDATORY SECTION (Amending WSR 22-01-052, filed 12/8/21, effective 1/8/22)

**WAC 314-02-065 Snack bar license.** (1) Per RCW 66.24.350, a snack bar license allows a licensee to serve beer by the opened bottle or can for on-premises consumption only.

(2) Snack bar licensees must have snack food, as defined in WAC 314-02-010, available whenever beer is sold or served.

(3) Snack bars must have designated seating for on-premises consumption of beer.

(4) The annual fee for this license is (~~\$125~~) \$187.50.

AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

**WAC 314-02-070 What is a tavern license?** (1) Per RCW 66.24.330 and 66.24.354, this license allows a tavern to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	<del>((200))</del> <u>\$300</u>
(b) Serve wine for on-premises consumption.	<del>((200))</del> <u>\$300</u>
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	<del>((120))</del> <u>\$180</u>
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, provided by the purchaser, licensee, or manufacturer and filled by an employee at the time of purchase.	In conjunction with off-premises privilege outlined in (c) of this subsection.
(e) Sell cider as defined in RCW 66.24.210(6) for off-premises consumption to a purchaser in a sanitary container brought to the premises by the purchaser or provided by the licensee and filled at the tap in the tavern at the time of purchase. The licensee must comply with federal regulations.	In conjunction with off-premises privilege outlined in (c) of this subsection.
(f) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-110 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in (c) of this subsection.

(2) A tavern licensee may not allow persons under ~~((twenty-one))~~ 21 years of age on the premises at any time (see RCW 66.44.316 for information regarding employees and professional musicians under ~~((twenty-one))~~ 21 years of age).

AMENDATORY SECTION (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-075 What is a motel license?** (1) Per RCW 66.24.540, a motel license allows a motel to:

(a) Sell liquor in locked honor bars in no more than one-half of its guest rooms, provided that:

(i) Rooms are rented to guests, at a minimum, on a daily rental basis; and

(ii) Each honor bar also contains snack food; and

(b) Provide beer and wine by the individual serving to overnight guests of the motel, without additional charge, for on-premises consumption at a specified regular date, time, and place (such as a hospitality room). Patrons may not self-serve during these functions.

(2) The motel must be licensed as a "transient accommodation" per chapter 70.62 RCW.

(3) The annual fee for this license is ~~((five hundred dollars))~~ \$750.

**WAC 314-02-092 What is a combination spirits, beer, and wine license?** (1) Per RCW 66.24.632, a combination spirits, beer, and wine license is a retail license that allows a licensee to sell beer and wine, including strong beer, at retail in bottles, cans, and original containers for off-premises consumption, and to:

(a) Sell spirits in original containers to consumers for off-premises consumption and to permit holders;

(b) Sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses (~~(. No single sale may exceed twenty four liters)~~); and

(c) Export spirits.

(2) A combination spirits, beer, and wine licensee that intends to sell to an on-premises retailer must possess a basic permit under the Federal Alcohol Administration Act. This permit must provide for purchasing distilled spirits for resale at wholesale. A copy of the federal basic permit must be submitted to the board. A federal basic permit is required for each location from which the combination spirits, beer, and wine licensee plans to sell to an on-premises retailer.

(3) A sale by a combination spirits, beer, and wine licensee is a retail sale only if not for resale to an on-premises spirits retailer. On-premises retail licensees that purchase spirits from a combination spirits, beer, and wine licensee must abide by RCW 66.24.630.

(4) A combination spirits, beer, and wine licensee must pay to the board (~~(seventeen)~~) 17 percent of all spirits sales. (see WAC 314-02-109 for quarterly reporting requirements).

Reporting of spirits sales and payment of fees must be submitted on forms provided by the board.

(5) The board may issue a combination spirits, beer, and wine license:

(a)(i) For premises comprising at least (~~(ten thousand)~~) 10,000 square feet of fully enclosed retail space within a single structure, including store rooms and other interior areas. This does not include any area encumbered by a lease or rental agreement; and

(ii) To applicants that the board determines will maintain appropriate systems for inventory management, employee training, employee supervision, and physical security of the product.

(b) For premises of a former contract liquor store; or

(c) To a holder of former state liquor store operating rights sold at auction.

(6) A spirits retail licensee may apply for a sampling endorsement to conduct spirits, beer, and wine sampling if they meet the following criteria:

(a) Be a participant in the responsible vendor program;

(b) Advertising:

(i) For combination spirits, beer, and wine retail licensees that are grocery stores, advertising samplings may not be placed in the windows or outside of the premises that can be viewed from the public right of way;

(ii) For combination spirits, beer, and wine retail licensees that are specialty stores, advertising of sampling may be advertised but not state that sampling is free of charge.

(c) Samplings are to be conducted in the following manner:

(i) Samplings service area and facilities must be located within the licensee's fully enclosed retail area and must be of a size and design that the licensee can observe and control persons in the area;

(ii) The licensee must provide a sketch of the sampling area. For combination spirits, beer, and wine licensees that are grocery stores, fixed or movable barriers are required around the sampling area to ensure that persons under (~~twenty-one~~) 21 years of age and apparently intoxicated persons cannot possess or consume alcohol. For combination spirits, beer, and wine licensees that are specialty stores, barriers are not required. The sketch is to be included with the application for the spirits sampling endorsement;

(iii) Each sample may be no more than one-half ounce of spirits, and no more than a total of one and one-half ounces of spirits samples per person during any one visit to the premises. Spirits samples may be altered with mixers, water, and/or ice. For combination spirits, beer, and wine licensees that are grocery stores, beer and wine samples must be two ounces or less, up to a total of four ounces per person during any one visit to the premises. For combination spirits, beer, and wine licensees that are specialty stores, each beer and wine sample must be two ounces or less and no more than (~~ten~~) 10 ounces of beer and/or wine may be provided to a customer during any one visit to the premises;

(iv) For combination spirits, beer, and wine licensees that are grocery stores, the licensee must have food available for the sampling participants;

(v) Customers must remain in the service area while consuming samples;

(vi) All employees serving spirits, beer, or wine during sampling events must hold a class 12 server permit;

(vii) For combination spirits, beer, and wine licensees that are grocery stores, there must be at least two employees on duty when conducting sampling events;

(viii) Sampling activities are subject to RCW 66.28.305 and 66.28.040.

(d) Licensees are required to send a list of scheduled sampling events to their regional enforcement office at the beginning of each month. The date and time for each sampling must be included;

(e) The cost for a beer and wine sampling endorsement is (~~two hundred dollars~~) \$200. There is no charge for a spirits sampling endorsement.

(7) A combination spirits, beer, and wine licensee may sell beer in kegs or other containers holding at least four gallons and less than five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

(8) A combination spirits, beer, and wine licensee may sell spirits, beer, and wine over the internet. See WAC 314-03-020 and 314-03-030 regarding internet sales and delivery.

(9) A combination spirits, beer, and wine applicant or licensee that is a grocery store may apply for an international exporter endorsement for (~~five hundred dollars~~) \$500 a year, which allows the sale of beer and wine for export to locations outside the United States.

(10) A combination spirits, beer, and wine licensee may apply for an endorsement to sell beer and cider growlers.

(a) Beer and cider must be sold in sanitary containers provided by the purchaser, licensee or the manufacturer and filled by the employee at the time of purchase.

(b) The taps must be located behind a counter where only employees have access or the taps must have locks preventing use unless unlocked and operated by an employee.

(c) Only employees of the licensee are permitted to operate the taps.

(d) All employees operating a tap must hold a class 12 alcohol server permit.

(e) The cost for the endorsement is (~~one hundred twenty dollars~~) \$180.

AMENDATORY SECTION (Amending WSR 16-01-102, filed 12/16/15, effective 1/16/16)

**WAC 314-02-100 What is a grocery store license?** (1) Per RCW 66.24.360, a grocery store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is (~~one hundred fifty dollars~~) \$550.

(3) In order to obtain and maintain a grocery store license, the premises must be stocked with an inventory of at least (~~three thousand dollars~~) \$3,000 wholesale value of food for human consumption, not including soft drinks, beer, or wine. This minimum inventory must be:

(a) Stocked within the confines of the licensed premises; and

(b) Maintained at the premises at all times the business is licensed, with the exception of:

(i) The beginning and closing inventory for seasonal operations; or

(ii) When the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) A grocery store licensee may sell beer in kegs or other containers holding at least four gallons and less than five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

(5) A grocery store licensee may sell beer and wine over the internet. See WAC 314-03-020 regarding internet sales and delivery.

(6) A grocery store applicant or licensee may apply for an international exporter endorsement for (~~five hundred dollars~~) \$500 a year, which allows the sale of beer and wine for export to locations outside the United States.

(7) A grocery store applicant or licensee may apply for a beer and wine tasting endorsement which allows beer and wine tastings on the grocery store premises. The annual fee for this endorsement is (~~two hundred dollars~~) \$300.

(8) A grocery store licensee may apply for an endorsement to sell beer and cider growlers.

(a) The licensee must have sales from beer and wine exceeding (~~fifty~~) 50 percent of their total revenues or maintain an alcohol inventory of not less than (~~fifteen thousand dollars~~) \$15,000.

(b) Beer and cider must be sold in sanitary containers provided by the purchaser, licensee or the manufacturer and filled by the employee at the time of purchase.

(c) The taps must be located behind a counter where only employees have access or the taps must have locks preventing use unless unlocked and operated by an employee.

(d) Only employees of the licensee are permitted to operate the taps.

(e) All employees operating a tap must hold a class 12 alcohol server permit.

(f) The cost for the endorsement is (~~one hundred twenty dollars~~) \$120.

AMENDATORY SECTION (Amending WSR 18-04-116, filed 2/7/18, effective 3/10/18)

**WAC 314-02-103 What is a wine retailer reseller endorsement?**

(1) A wine retailer reseller endorsement is issued to the holder of a grocery store liquor license, the holder of a beer and/or wine specialty shop license, or the holder of a combination spirits, beer, and wine license to allow the sale of wine at retail to on-premises liquor licensees.

~~(2) ((For holders of a grocery store license: No single sale to an on-premises liquor licensee may exceed twenty-four liters.~~

~~(3) For))~~ 3) Holders of a beer and/or wine specialty shop license

~~(a) No single sale may exceed twenty-four liters, unless the sale is made by a licensee that was formerly a state liquor store or contract liquor store.~~

~~(b))~~ 4) may sell a maximum of (~~five thousand~~) 5,000 liters of wine per day for resale to retailers licensed to sell wine for consumption on the premises.

~~((4))~~ 3) A grocery store licensee or a beer and/or wine specialty shop licensee with a wine retailer reseller endorsement may accept delivery at its licensed premises or at one or more warehouse facilities registered with the board.

~~((5))~~ 4) The holder of a wine retailer reseller endorsement may also deliver wine to its own licensed premises from the registered warehouse; may deliver wine to on-premises licensees, or to other warehouse facilities registered with the board. A grocery store licensee or a beer and/or wine specialty shop licensee wishing to obtain a wine retailer reseller endorsement that permits sales to another retailer must possess and submit a copy of their federal basic permit to purchase wine at wholesale for resale under the Federal Alcohol Administration Act. A federal basic permit is required for each location from which the grocery store licensee or beer and/or wine specialty shop licensee holding a wine retailer reseller endorsement plans to sell wine to another retailer.

~~((6))~~ 5) The annual fee for the wine retailer reseller endorsement for a grocery store licensee is (~~one hundred sixty-six dollars~~) \$249.

~~((7))~~ 6) The annual fee for the wine retailer reseller endorsement for a beer and/or wine specialty shop licensee is (~~one hundred ten dollars~~) \$165.

((+8)) (7) Sales made under the reseller endorsement are not classified as retail sales for taxation purposes.

AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

**WAC 314-02-105 What is a beer and/or wine specialty store license?** (1) Per RCW 66.24.371, a beer and/or wine specialty store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is ~~((one hundred dollars))~~ \$150.

(3) Qualifications for license - To obtain and maintain a beer and/or wine specialty store license, the premises must be stocked with an inventory of beer and/or wine in excess of ~~((three thousand dollars))~~ \$3,000 wholesale value. This inventory must be:

(a) Stocked within the confines of the licensed premises; and

(b) Maintained on the premises at all times the premises is licensed, with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) Qualifications to sample - A beer and/or wine specialty store licensee may allow customers to sample beer and wine for the purpose of sales promotion, if the primary business is the sale of beer and/or wine at retail, and the licensee meets the requirements outlined in either (a) or (b) of this subsection:

(a) A licensee's gross retail sales of alcohol exceeds ~~((fifty))~~ 50 percent of all annual gross sales for the entire business; or

(b) The licensed premises is a beer and/or wine specialty store that conducts bona fide cooking classes for the purpose of pairing beer and/or wine with food, under the following conditions:

(i) The licensee must establish to the satisfaction of the board that the classes are bona fide cooking courses. The licensee must charge participants a fee for the course(s).

(ii) The sampling must be limited to a clearly defined area of the premises. The licensee must provide a sketch of the sampling area.

(iii) The licensee must receive prior approval from the board's licensing and regulation division before conducting sampling with cooking classes.

(iv) Once approved for sampling, the licensee must provide the board's enforcement and education division a list of all scheduled cooking classes during which beer and/or wine samples will be served. The licensee must notify the board's enforcement and education division at least ~~((forty-eight))~~ 48 hours in advance if classes are added.

(5) Licensees who qualify for sampling under subsection (4) of this section may sample under the following conditions:

(a) Employees conducting sampling must hold a class 12 alcohol server permit;

(b) No more than a total of ~~((ten))~~ 10 ounces of alcohol may be provided to a customer during any one visit to the premises;

(c) Each sample must be two ounces or less.

(6) A beer and/or wine specialty store licensee may sell beer in kegs or other containers holding at least four gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

(7) A beer and/or wine specialty store licensee may receive an endorsement to permit the sale of beer and cider as defined in RCW 66.24.210(6) to a purchaser in a sanitary container brought to the premises by the purchaser, or provided by the licensee or manufacturer, and filled at the tap by the licensee at the time of sale under the following conditions:

(a) The beer and/or wine specialty store sales of alcohol must exceed (~~fifty~~) 50 percent of their total sales;

(b) The board may waive the (~~fifty~~) 50 percent beer and/or wine sale criteria if the beer and/or wine specialty store maintains a wholesale alcohol inventory that exceeds (~~fifteen thousand dollars~~) \$15,000.

AMENDATORY SECTION (Amending WSR 19-21-002, filed 10/2/19, effective 1/1/20)

**WAC 314-02-106 What is a spirits retailer license?** (1) The holder of a spirits retailer license is allowed to:

(a) Sell spirits in original containers to consumers for off-premises consumption;

(b) Sell spirits in original containers to permit holders (see chapter 66.20 RCW);

(c) Sell spirits in original containers to on-premises liquor retailers, for resale at their licensed premises (~~(, although no single sale may exceed twenty-four liters)~~); and

(d) Export spirits in original containers.

(2) A spirits retailer licensee that intends to sell to another retailer must possess a basic permit under the Federal Alcohol Administration Act. This permit must provide for purchasing distilled spirits for resale at wholesale. A copy of the federal basic permit must be submitted to the board. A federal basic permit is required for each location from which the spirits retailer licensee plans to sell to another retailer.

(3) A sale by a spirits retailer licensee is a retail sale only if not for resale to an on-premises spirits retailer. On-premises retail licensees that purchase spirits from a spirits retail licensee must abide by RCW 66.24.630.

(4) A spirits retail licensee must pay to the board (~~seventeen~~) 17 percent of all spirits sales.

(5) Per RCW 66.24.055, a spirits retail licensee selling for resale must pay to the board a (~~ten~~) 10 percent distributor license fee for the first (~~twenty-seven~~) 27 months of licensure, and a five percent distributor license fee for month (~~twenty-eight~~) 28 and each month thereafter. The fee is required on sales of spirits which the licensee selling to another licensee for resale is the first to have received:

(a) Spirits manufactured in the state, from the distiller; or

(b) Spirits manufactured outside of the state from an authorized out-of-state supplier; and

(c) No other distributor license fee has been paid.

(6) Reporting of spirits sales and payment of fees must be submitted electronically or on forms provided by the board. Reporting requirements are outlined in WAC 314-02-109.

(7) A spirits retail licensee may apply for a spirits sampling endorsement to conduct spirits sampling if they meet the following criteria:

(a) Be a participant in the responsible vendor program;

(b) Advertising:

(i) For spirits retail licensees that also hold a grocery store license, signs advertising spirits samplings may not be placed in the windows or outside of the premises that can be viewed from the public right of way;

(ii) For spirits retail licensees that also hold a beer/wine specialty store license, advertising of spirits sampling may be advertised but not state that sampling is free of charge.

(c) Spirits samplings are to be conducted in the following manner:

(i) Spirits samplings service area and facilities must be located within the licensees' fully enclosed retail area and must be of a size and design that the licensee can observe and control persons in the area.

(ii) The licensee must provide a sketch of the sampling area. Fixed or movable barriers are required around the sampling area to ensure that persons under (~~twenty-one~~) 21 years of age and apparently intoxicated persons cannot possess or consume alcohol. The sketch is to be included with the application for the spirits sampling endorsement.

(iii) Each sample may be no more than one-half ounce of spirits, and no more than a total of one and one-half ounces of spirits samples per person during any one visit to the premises. Spirits samples may be altered with mixers, water, and/or ice.

(iv) The licensee must have food available for the sampling participants.

(v) Customers must remain in the service area while consuming samples.

(vi) All employees serving spirits during sampling events must hold a class 12 server permit.

(vii) There must be at least two employees on duty when conducting spirits sampling events.

(viii) Spirits sampling activities are subject to RCW 66.28.305 and 66.28.040.

(d) Licensees are required to send a list of scheduled spirits samplings to their regional enforcement office at the beginning of each month. The date and time for each sampling must be included.

(8) The annual fee for a spirits retail license is (~~one hundred sixty-six dollars~~) \$550.

AMENDATORY SECTION (Amending WSR 00-07-091, filed 3/15/00, effective 4/15/00)

**WAC 314-02-110 What is a beer and/or wine gift delivery license?**

(1) Per RCW 66.24.550, a beer and/or wine gift delivery license allows a business that is primarily engaged in the retail sale of gifts or flowers to deliver beer and/or wine in bottles or original packages.

The beer or wine must be delivered in conjunction with the gifts or flowers.

(2) The annual fee for this license is ((~~seventy five dollars~~)) \$112.50.

(3) An applicant must meet the following requirements to obtain and maintain a beer and/or wine gift delivery license:

(a) The business must be primarily engaged in the retail sale of gifts or flowers. In order to determine that the business meets this qualification, the board may inspect an applicant's or licensee's inventory, sales figures, and business records.

(b) A beer and/or wine gift delivery licensee may not hold any other class of liquor license.

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

**WAC 314-07-080 Ownership changes.** (1) Licensees must receive prior board approval before making any of the following ownership changes (see WAC 314-07-035 for the definition of "true party of interest"):

Type of change	Type of application	Fee
Change in the qualifying persons in a: Sole proprietorship, general partnership, limited partnership, or limited liability partnership.	New application	Annual fee for current license privilege.
Change in the qualifying persons for a publicly or privately held corporation. The board will waive the fee for a corporate change when the proposed change consists solely of dropping an approved officer.	Application for change in corporate officer and/or stockholder	(( <del>\$75</del> )) <u>\$112.50</u>
Change in the qualifying persons in a limited liability company.	Application for change of limited liability company member and/or manager	(( <del>\$75</del> )) <u>\$112.50</u>

(2) The board may inquire into all matters in connection with any such sale of stock/units or proposed change in officers/members.

(3) The "proposed sale of more than (~~ten~~) 10 percent of the stock/units" will be calculated as a cumulative total and must be reported to the board when the accumulation of stock/units transfers or newly issued stock/units totals more than (~~ten~~) 10 percent of the outstanding and/or issued stock/units of the licensed corporation or limited liability company.

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

**WAC 314-07-085 Change of location.** (1) Changing your liquor license to a new location requires an application, per the process outlined in WAC 314-07-015(2).

(2) Type of change of location application:

<p><b>Submit a change of location application and pay a ((<del>\$75</del>) <u>\$112.50</u>) fee if:</b></p>	<p><b>Submit a new liquor license application and pay the appropriate fee for the type of liquor license you are applying for if:</b></p>
<ul style="list-style-type: none"> <li>■ You are not changing the type of liquor license that you have at the current location;</li> <li>■ There is no change in any of the true parties of interest; and</li> <li>■ Your liquor license is current.</li> </ul>	<ul style="list-style-type: none"> <li>■ You are changing the type of liquor license from what you have at the current location;</li> <li>■ There is a change in any of the true parties of interest; or</li> <li>■ Your liquor license is not current.</li> </ul>

**WAC 314-11-015 Responsibilities as a liquor licensee.** (1)(a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(b) The penalties for violations of liquor laws or rules are in: WAC 314-29-015 through 314-29-035, as now or hereafter amended, for licensees; and WAC 314-17-105 and 314-17-110, as now or hereafter amended, for employees who hold mandatory alcohol server training permits. These rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee violates a liquor law or rule.

(2) Licensees and their employees also have the responsibility to conduct the licensed premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Chapters 70.155 and 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Anyone involved in the selling or serving of alcohol, including the pouring of samples, for on-premises consumption must obtain a class 12 or class 13 alcohol server permit.

(4) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) Be disorderly or apparently intoxicated on the licensed premises;
- (b) Allow any disorderly person to remain on the licensed premises;
- (c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;
- (d) Consume liquor of any kind while working on the licensed premises; except that:
  - (i) Entertainers per WAC 314-02-010 may drink while performing under the following conditions:
    - (A) Alcohol service must be monitored by MAST servers;
    - (B) Drinks must be served in unlabeled containers;
    - (C) Entertainers may not advertise any alcohol brands or products;
    - (D) Entertainers may not promote drink specials; and
    - (E) If any member of the entertainment group is under 21 years of age, alcohol may not be consumed by any member of the group while performing.
  - (ii) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;
  - (iii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or allow others to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW;

(f) Engage in the consumption of any type of cannabis, useable cannabis, or cannabis-infused products in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee;

(g) Allow any person to consume any type of cannabis, useable cannabis, or cannabis-infused products in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee;

(h) Allow any person consuming, or who has consumed on any part of the licensed premises, any type of cannabis, useable cannabis, or cannabis-infused products to remain on any part of the licensed premises; or

(i) Sell or serve liquor by means of drive-through service from pickup or pass-through windows.

~~((4))~~ (5) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose;

(b) Spend time with, or permit any person to spend time with, any patron for direct or indirect compensation by a patron.

**WAC 314-13-010 Who can retail licensees purchase beer, wine, and spirits from?**

	<b>Definition</b>	<b>Who licensees can purchase from</b>
<b>Beer</b>	RCW 66.04.010(3)	<ul style="list-style-type: none"> <li>• A licensed Washington distributor (including a licensed Washington brewery that distributes its own product)</li> <li>• A licensed certificate of approval holder with a direct shipping to Washington retailer endorsement</li> </ul>
<b>Wine</b>	RCW 66.04.010(46)	<ul style="list-style-type: none"> <li>• A licensed Washington distributor (including a licensed Washington winery that distributes its own product)</li> <li>• A licensed certificate of approval holder with a direct shipping to Washington retailer endorsement</li> <li>• A Washington licensed grocery store with a wine retailer reseller endorsement <del>((up to 24 liters per single sale per day))</del></li> </ul>
<b>Spirits</b>	RCW 66.04.010(41)	<ul style="list-style-type: none"> <li>• A Washington spirits distributor</li> <li>• A Washington licensed distiller or craft distiller</li> <li>• A licensed spirits certificate of approval holder with a direct shipping to retailer endorsement</li> <li>• A spirits retail licensee may sell to an on-premises licensee <del>((up to 24 liters per single sale per day))</del></li> </ul>

AMENDATORY SECTION (Amending WSR 10-12-124, filed 6/2/10, effective 7/3/10)

**WAC 314-17-010 Definitions.** The following definitions clarify the purpose and intent of the laws and regulations governing mandatory alcohol server training and chapter 314-17 WAC. Additional definitions are in RCW 66.04.010 and 66.20.300.

(1) "Alcohol server education program," "mandatory alcohol server training" or "mandatory alcohol server training program" means the set of policies and procedures developed and administered by the board to educate servers and enforce state liquor laws and regulations.

(2) "Permit holder" means a person who holds either a class 12 or 13 permit.

(3) "Provider" means a "training entity" as defined in RCW 66.20.300.

(4) "~~((Retail licensed premises))~~ On-premises licensed facility" means any:

(a) Premises ~~((licensed))~~ issued an annual license to sell or serve alcohol by the glass, by the drink, by samples or in original containers, primarily for consumption on the premises, or a premises holding a privilege for on-premises tasting activities, as authorized by ~~((RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.540, 66.24.570, 66.24.580, 66.24.590 or 66.24.600))~~ Title 66 RCW;

(b) Distillery or craft distillery, licensed pursuant to RCW 66.24.140 or 66.24.145, that is authorized to serve samples of its own production; or

(c) Facility established by a domestic winery for serving or selling wine pursuant to RCW 66.24.170(4).

(5) "Student" means an individual enrolled in a class 12 or 13 training course.

(6) "Trainer" means an individual employed or authorized by a provider to conduct a training course.

(7) "Training course" means a board-certified mandatory alcohol server training class.

(8) "Training program" means a provider's curriculum administered by a provider or a trainer.

AMENDATORY SECTION (Amending WSR 24-04-042, filed 1/31/24, effective 3/2/24)

**WAC 314-17-015 Types of alcohol server training permits.** There are two types of permits for persons who serve, mix, sell, or who supervise the sale of, alcohol at ~~((a retail licensed premises))~~ an on-premises licensed facility.

Class 12 permit	Class 13 permit
(1) A class 12 permit holder must be at least 21 years of age.	(5) A class 13 permit holder must be at least 18 years of age.
(2) A class 12 permit is required for any person who:	(6) A class 13 permit is required for any person who:
(a) Manages <del>((a retail licensed premises licensed))</del> <u>an on-premises licensed facility</u> to sell alcoholic beverages for on-premises consumption;	(a) Takes orders for alcoholic beverages for on-premises consumption;

Class 12 permit	Class 13 permit
(b) Sells, mixes or draws from a dispensing device alcoholic beverages for on-premises consumption; or	(b) Delivers alcoholic beverages to customers for on-premises consumption; or
(c) Supervises a class 13 permit holder.	(c) Opens or pours beer or wine into a customer's glass without opening or pouring in an area classified by the board as off limits to any person under the age of 21.
(3) A class 12 permit includes all authorities granted under a class 13 permit.	(7) See RCW 66.20.310 for exceptions for grocery store employees.
(4) See RCW 66.20.310 for exceptions for grocery store employees.	

(8) Upon a temporary absence of a class 12 permit holder, a class 13 permit holder may perform the functions of a class 12 permit holder until a class 12 permit holder arrives to fulfill those duties provided that a class 13 permit holder:

- (a) Is 21 years of age or older; and
- (b) Functions as a class 12 permit holder for no more than 30 calendar days per year.

(9) See RCW 66.44.310, 66.44.316, 66.44.318, and 66.44.350 for additional information about permissions and restrictions for 18 to 20-year-old persons.

AMENDATORY SECTION (Amending WSR 10-12-124, filed 6/2/10, effective 7/3/10)

**WAC 314-17-030 Are employers responsible for ensuring that their employees have class 12 or 13 permits?** Yes. Any person who holds a license to sell liquor at (~~a retail licensed premises~~) an on-premises licensed facility must ensure that any person who engages in the sale or service of liquor for on-premises consumption, or who supervises such activities, has a current and valid class 12 or 13 permit within (~~sixty~~) 60 calendar days of the date of hire. See RCW 66.20.310 for exceptions for grocery stores that have an on-premises liquor license.

(1) A class 12 permit holder must be on (~~a retail licensed premises~~) an on-premises licensed facility to supervise the on-premises sale, service, and consumption of liquor.

(2) A class 12 or 13 permit is the sole property of a permit holder.

AMENDATORY SECTION (Amending WSR 24-16-064, filed 7/31/24, effective 8/31/24)

**WAC 314-17-060 What are the course standards, course content, and other requirements for class 12 or 13 training programs?** Class 12 and 13 training courses shall have the standards and requirements as stipulated in RCW 66.20.320 and in this section.

(1) **Subjects.** Each class 12 or 13 training course and accompanying workbook shall include:

- (a) Those subjects listed in RCW 66.20.320;

- (b) Washington state liquor laws and regulations;
- (c) Employment of persons under 21 years of age;
- (d) Legal hours of liquor sale and service;
- (e) Prohibited conduct by patrons and employees;
- (f) Required signs at ~~((retail-licensed-premises))~~ on-premises licensed facilities;

- (g) Minimum lighting requirements; and
- (h) Administrative and criminal sanctions against liquor licensees and permit holders, including permit suspension for delinquent child support payment.

(2) **Administrative materials.** Before beginning a class 12 or 13 training course, each student shall receive:

- (a) An enrollment agreement that clearly states the obligations of a trainer and a student, refund policies, and procedures to terminate enrollment;

- (b) A statement that says, "If you have questions, comments or complaints about the program, please contact the Liquor and Cannabis Board," and includes the appropriate board contact information; and

- (c) A notice that students must complete the entire training course before taking the standardized exam.

(3) A provider or trainer is prohibited from stating or implying that the state of Washington, the board or any other state agency endorses or recommends one provider's program over another's program.

(4) **Student evaluation of training course.** A student evaluation for each in-person or online training course is required. A trainer shall provide a separate course evaluation form to each student enrolled in an in-person training course, and a form shall include the board's contact information.

(5) **Exams.** Exams shall be administered following each class 12 or 13 training course.

- (a) An exam must demonstrate a student's familiarity with all of the subjects listed in subsection (1) of this section.

- (b) A student may not refer to any written, video or online material, or have an in-person or online discussion with another person, during an exam. However, a trainer may allow a student to use an interpreter.

- (c) The standardized exam shall have a minimum passing grade of 80 percent unless otherwise stipulated from the board.

(6) **Online training courses.** Effective December 1, 2010, the board allows class 12 and 13 online training courses subject to additional requirements.

- (a) A provider must take extra measures to ensure the identity of each student. Extra measures include obtaining the log-in and log-off times (see WAC 314-17-085). Other ways to prevent fraudulent test taking may include, but are not limited to:

- (i) Allowing a student to access an examination only once per training course;

- (ii) Discontinuing an examination if it stays idle for 30 minutes or more or if another program is accessed; or

- (iii) Asking each student personal identifying questions.

- (b) A trainer shall be available to answer questions during standard business hours via the internet, telephone or some other method.

(7) **Length of class.** Excluding exam time, a ~~((class-12))~~ training course shall be at least three hours in length ~~((, and a class-13 training course shall be at least one hour in length))~~.

(8) **Presentation method.** A presentation method may be in-class or online.

(9) **Student workbook.**

(a) A student workbook must contain accurate, current, and complete information.

(b) A provider must update student workbooks and other training course material within 30 calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(c) The board may establish additional workbook standards or requirements as the board deems necessary.

**WAC 314-18-040 Issuance fee—Restrictions.** (1) Banquet permits may be issued by the board's stores and agencies to qualified applicants on forms provided by the board; the fee for each banquet permit will be (~~(\$10)~~) \$15.

(2) Except for outdoor areas, banquet permits will only be issued for use at premises that are or can be arranged so that the general public can be excluded therefrom.

(3) Where the application is for a banquet to be held either partially or wholly out-of-doors, the following restrictions will apply:

(a) State parks: State parks are exempt from the law requiring a license or permit to consume liquor in a public place (RCW 66.04.011). Banquet permits shall not be issued for the service and consumption of liquor in state parks.

(b) City and county parks: Applicants will be issued banquet permits only upon presentation of written approval from the appropriate local authority for the banquet applied for.

(c) Commercial parks (privately owned and operated): Store and agency managers may issue banquet permits for use in such commercial parks even though the event is to be held partly or wholly out-of-doors.

(d) All other outdoor areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

(4) Where the application is for a banquet permit for an event to be held on a college or university campus or upon the premises of an elementary or high school, public or private; permits will be issued provided that approval, in writing, by an appropriate official of the college, university, elementary, or high school is furnished with the application.

(5) When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or their designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.

(6) Banquet permits will not be issued for use at premises that have a license issued by the board that is or will be suspended on the date of the scheduled banquet.

(7) The event for which the banquet permit application is made cannot be open to the public through general admission ticket sales.

(8) The event for which the banquet permit application is made cannot be open to the public or advertised to the public.

(9) Approval of the area enforcement officer is required for banquet permits intended for use in the cocktail lounge facilities or tap rooms of hotels, restaurants, and clubs, unless the entire premises under the control of the licensee is devoted to the banquet, and then only if all licensee liquor is removed from view and securely isolated.

(10) Where the application is for a banquet permit for an event to be held on a vessel under the jurisdiction of the Washington state ferry system; permits will be issued provided that approval, in writ-

ing, by an appropriate official of the Washington state ferry system is furnished with the application.

**WAC 314-19-015 What are the reporting and tax payment requirements?** (1) The required beer and/or wine tax reports must be:

(a) On a form furnished by the board or in a format approved by the board;

(b) Filed every month, including months with no activity or taxes due. A winery or wine certificate of approval holder with total taxable sales of wine in Washington state of 6,000 gallons or less during the calendar year may elect to file annually;

(c) Submitted, with the tax due, to the board on or before the 20th day of the month following the end of the reporting period, for the previous reporting period (for example, a monthly report listing transactions for the month of January is due by February 20; an annual report listing transactions for 2012 is due by January 20, 2013). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day; and

(d) Filed separately for each type of liquor license or permit held.

(2) Wineries, wine certificate of approval holders and wine shippers who elect to file annually:

(a) Must have taxable sales of wine in Washington state of 6,000 gallons or less during the calendar year;

(b) New licensees who anticipate taxable sales of wine in Washington state of less than 6,000 gallons must request by notifying the liquor and cannabis board within 30 days of license issuance that they would like to file annually;

(c) May only change reporting frequency (to annual filing or off annual filing) at the beginning of a calendar year, effective month must be January;

(d) Are required to file multiple reports in the event of a mid-year tax rate change (for example, the tax rate changes June 1st; annual filer will submit two reports. One for January 1st through May 31st and one for June 1st through December 31st. Both are due January 20th following the end of the reporting period);

(e) Must submit a report the month following the month the license has been discontinued or business closed (for example, annual filer closes business/discontinued license May 25th, report is due June 20th).

Type of Licensee	Tax Payment Requirements
(3) Washington beer and/or wine distributor	(a) Distributors must pay taxes on all beer and/or wine received during the preceding calendar month, including samples received at no charge (see WAC 314-64-080 and 314-64-090 for more information). The total tax due (per barrel for beer and per liter for wine) is to be paid by the first distributor to receive the product and must be included with the monthly report.  (b) Distributors do not pay taxes on beer and/or wine received from another in-state licensed distributor who has already paid the Washington state tax on the product.

Type of Licensee	Tax Payment Requirements
	<p>(c) Distributors may claim a tax refund or credit, provided that they have paid the taxes prior to claiming the credit, for the following (see WAC 314-19-030 for information on claiming a tax refund or credit):</p> <p>(i) Shipments exported directly to a point outside the state of Washington, including sales to interstate common carriers;</p> <p>(ii) <del>(Sales to any military reservation in Washington state;</del></p> <p><del>(iii))</del> Product that is deemed unsalable due to freight damage, product quality, or other causes that occurred prior to receipt by the distributor, subject to the following conditions:</p> <p>(A) The unsalable product must be destroyed within the state of Washington (per RCW 66.24.305);</p> <p>(B) The licensee must notify their local liquor enforcement officer in advance for destruction of more than 50 cases of wine or 200 cases of beer;</p> <p>(C) The licensee must report the destroyed product on the next required monthly report;</p> <p>(D) The licensee must keep records showing the reason for the destruction and an inventory of products destroyed. These records must be kept on the licensed premises and available for inspection by board employees for a period of two years; and</p> <p>(E) The licensee must provide documentation from the freight company with the report if they are claiming a credit due to freight damage.</p>
(4) Washington beer and/or wine importers	<p>Importers must pay taxes on samples received during the preceding calendar month, as follows:</p> <p>(a) If the samples are used by the importer within the state of Washington, the importer must pay the tax.</p> <p>(b) If samples are provided to a distributor, the distributor must pay the tax.</p>
(5) Domestic breweries, microbreweries, and domestic wineries	<p>(a) Domestic breweries, microbreweries, and domestic wineries must list production for the current reporting period only. The brewery that the domestic brewery/brand owner contracts with is required to include any products they produce for the brand owner in their production count.</p> <p>(b) Domestic breweries, microbreweries, and domestic wineries must pay taxes on beer and/or wine that is:</p> <p>(i) Sold at retail on the licensed premises (or shipped to additional winery locations as authorized by RCW 66.24.170(4)), including retail sales to out-of-state residents;</p> <p>(ii) Sold to retail licensees;</p> <p>(iii) Furnished as samples to retail licensees as authorized by RCW 66.28.040, WAC 314-64-080, and 314-64-090 (does not include samples provided to distributors);</p> <p>(iv) Provided as donations to qualifying 501 (c)(3) or (6) nonprofit organizations per RCW 66.28.040 or to the Washington wine commission per RCW 66.12.180 and 66.24.210;</p>

Type of Licensee	Tax Payment Requirements
	<p>(v) Received via an interplant transfer if used as outlined in above subsections (i), (ii), (iii), or (iv);</p> <p>(vi) Sold at farmers markets as authorized by RCW 66.24.170(5), 66.24.240(4) and/or 66.24.244(5); or</p> <p>(vii) Wine that has been shipped out-of-state as nontax paid export and returned to Washington state if used as outlined in (b)(i), (ii), (iii), (iv), or (vi) of this subsection.</p> <p>(c) Domestic breweries, microbreweries, and domestic wineries do not pay tax on beer and/or wine that is:</p> <p>(i) Sold to or furnished as samples to distributors;</p> <p>(ii) Shipped out of a particular location for an interplant transfer;</p> <p>(iii) Exported directly to a point outside the state of Washington, including sales to interstate common carriers;</p> <p>(iv) <del>((Sold to any military reservation in Washington state; or</del></p> <p>(v)) Provided as a tasting on the brewery or winery premises or at additional winery locations at no charge, as authorized by RCW 66.24.170(4). See WAC 314-19-010(3) for the definition of "tastings."</p>
(6) Domestic brewery—Brand owners	<p>(a) Domestic brewery-brand owners must file a report showing the quantity of all beer sold or delivered to each licensed beer distributor, or beer exported directly to a point outside the state of Washington, during the preceding reporting period.</p> <p>(b) Domestic brewery-brand owners are not responsible for the tax on beer that is contract produced.</p>
(7) Out-of-state beer and/or wine certificate of approval holders	<p>(a) Certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed beer or wine distributor or importer, including samples, during the preceding reporting period.</p> <p>(b) Tax is due from the certificate of approval holder:</p> <p>(i) On samples shipped to licensed agents, and</p> <p>(ii) On donations to the Washington wine commission per RCW 66.12.180 and 66.24.210 or to 501 (c)(3) nonprofit charitable associations within Washington state per RCW 66.28.040.</p>
(8) Out-of-state United States beer and/or wine certificate of approval holders with a direct shipping to Washington retailer endorsement	<p>(a) Certificate of approval holders with this endorsement must file an addendum report showing the quantity of beer and/or wine sold or delivered to each licensed retailer, including samples, during the preceding reporting period.</p> <p>(b) Tax is due from the certificate of approval holder on beer and/or wine sold or delivered to retail licensees and on sales to nonprofit charitable associations.</p>
(9) Out-of-state United States wine certificate of approval holders with a direct shipping to consumers endorsement	<p>(a) A certificate of approval holder with this endorsement must report the total quantity of wine sold to consumers in Washington state during the preceding reporting period.</p> <p>(b) Tax is due from the certificate of approval holder on wine sold or delivered to Washington state residents.</p>

Type of Licensee	Tax Payment Requirements
(10) Authorized representative certificate of approval holders- United States and/or foreign produced beer or wine	<p>(a) Authorized representative certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed beer or wine distributor or importer, including samples. They must list the brewery and/or winery that they represent and that had shipments into Washington state during the preceding month.</p> <p>(b) Tax is due from the authorized representative beer and/or wine certificate of approval holders only on samples shipped to licensed agents, directly to retailers per WAC 314-64-080 and 314-64-090, donations to the Washington wine commission per RCW 66.12.180 and 66.24.210, or to 501 (c)(3) nonprofit charitable associations within Washington state per RCW 66.28.040.</p>
(11) <del>(Public house licensees</del>	<del>Public house licensees must pay taxes on all sales of their own product during the preceding calendar month.</del>
(12)) Retailer with an endorsement allowing receipt of direct shipment of beer or wine from a United States brewery, microbrewery, or winery	A Washington retailer who receives shipments directly from a United States brewery, microbrewery, or winery, outside Washington, must file a report showing the quantity of beer and wine received by direct shipment from each licensed beer or wine producer, including samples, during the preceding month.
((13)) (12) Wine shipper permit holder	<p>(a) An out-of-state winery must file a report showing the total quantity of wine sold or delivered to consumers during the preceding reporting period.</p> <p>(b) Pay the tax due for sales of wine to Washington state residents.</p>

AMENDATORY SECTION (Amending WSR 24-16-064, filed 7/31/24, effective 8/31/24)

**WAC 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?** The board may take the following actions against a licensee or permit holder in order to collect any of the reports or taxes due that are outlined in this title.

(1) <b>Suspension or revocation of license</b>	<p>(a) Failure to make a report and/or pay the taxes in the manner and dates outlined in this chapter will be sufficient ground for the board to suspend or revoke a liquor license, wine shipper permit, or certificate of approval (per RCW 66.08.150, 66.24.010, 66.24.120, 66.24.206, 66.20.370, 66.20.380, and 66.24.270).</p> <p>(b) The suspension will remain in effect until all missing reports and/or taxes have been filed with the board (see WAC 314-19-010(1) for the definition of "missing").</p>
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<p>(2) <b>Penalties</b></p>	<p>A penalty of two percent per month will be assessed on any tax payments postmarked after the 20th day of the month following the reporting period of the transactions (per the reporting requirements outlined in WAC 314-19-015, RCW 66.24.290, and 66.24.210). When the 20th day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day. Absent a postmark, the date received at the Washington state liquor and cannabis board, or designee, will be used to determine if penalties are to be assessed.</p>
<p>(3) <b>Surety bond requirements</b></p>	<p>(a) <b>What is a surety bond?</b> A "surety bond" is a type of insurance policy that guarantees beer and/or wine tax payment to the state. The surety bond must be:</p> <ul style="list-style-type: none"> <li>(i) Executed by a surety company authorized to do business in the state of Washington;</li> <li>(ii) On a form and in an amount acceptable to the board;</li> <li>(iii) Payable to the Washington state liquor and cannabis board; and</li> <li>(iv) Conditioned that the licensee will pay the taxes and penalties levied by RCW 66.24.210 and/or 66.24.290.</li> <li>(v) As an option to obtaining a surety bond, a licensee may create an assignment of savings account for the board in the same amount as required for a surety bond. Requests for this option must be submitted in writing to the board's financial division.</li> </ul> <p>(b) <b>When will the board require a surety bond?</b> The board may require a surety bond from a Washington beer and/or wine distributor, domestic microbrewery, domestic brewery(<del>(-public house)</del>), domestic winery, wine shipper, or a beer or wine certificate of approval holder that has a direct shipment privilege. If any of the following occur, the board may require the licensee or permit holder to obtain a surety bond or assignment of savings account, within 21 days after an administrative violation notice is issued:</p> <ul style="list-style-type: none"> <li>(i) A report or tax payment is missing, as defined in WAC 314-19-010, for two or more consecutive months; or</li> <li>(ii) A report or tax payment is missing, as defined in WAC 314-19-010, two or more times within a two year period.</li> </ul> <p>(c) <b>What will happen if the licensee does not acquire the surety bond or savings account?</b> Failure to meet the bonding or savings account requirements outlined in subsections (a) and (b) of this rule may result in immediate suspension of license privileges until all missing reports are filed and late taxes have been paid and the surety bond is acquired or the savings account is established.</p> <p>(d) <b>In what amount and for how long will the board require a surety bond?</b> The amount of a surety bond or savings account required by this chapter must be either \$3,000, or the total of the highest four months' worth of tax liability for the previous 12 month period, whichever is greater.</p> <ul style="list-style-type: none"> <li>(i) The licensee or permit holder must maintain the bond for at least two years. After the two year period the licensee or permit holder may request an exemption as outlined in subsection (f) of this rule.</li> </ul>

(ii) Surety bond and savings account amounts may be reviewed annually and compared to the last 12 months' tax liability of the licensee. If the current bond or savings account amount does not meet the requirements outlined in this section, the licensee or permit holder will be required to increase the bond amount or amount on deposit within 21 days.

**(e) What action will the board take when a licensee or permit holder holds a surety bond and does not pay taxes due or pays late?** If a licensee or permit holder holds a surety bond or savings account, the board will immediately start the process to collect overdue taxes from the surety company or assigned account. If the exact amount of taxes due is not known due to missing reports, the board will estimate the taxes due based on previous production, receipts, and/or sales.

**(f) Can a licensee or permit holder request an exemption to the surety bond or savings account requirement?** A licensee or permit holder may make a written request to the board's financial division for an exemption from the surety bond or assignment of savings account requirements. The board will grant an exemption once the following criteria are met:

(i) The licensee or permit holder has filed reports and paid applicable taxes to the board for at least two years immediately prior to the exemption request; and

(ii) There have been no late or missing reports or tax payments during the previous two years.

(iii) In order to remain exempt from the surety bond or assignment of savings account requirements, the licensee must continue to meet the tax reporting and payment requirements outlined in this title (outlined in WAC 314-19-015, RCW 66.24.206, 66.24.210, 66.24.270, 66.24.290, and 66.24.580).

**WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirit, beer and wine restaurant operation.** (1) A licensed brewer may sell:

(a) Beer of its own production at retail on the brewery premises;  
(b) Beer produced by another microbrewery or a domestic brewery for on- and off-premises consumption from its premises as long as the other breweries brands do not exceed (~~twenty-five~~) 25 percent of the microbrewery's on-tap offering of its own brands. Beer not of its own production must be purchased through normal distribution channels; and

(c) Cider produced by a domestic winery. Cider must be purchased through normal distribution channels.

(2) In selling beer and/or cider at retail, as provided in subsection (1) of this section, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer and/or wine retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such spirit, beer and wine restaurant licenses.

(5) A brewer may serve its own beer and beer not of its own production without charge on the brewery premises, as authorized by RCW 66.28.040.

(6) Anyone involved in the selling or serving of alcohol, including the pouring of samples, for on-premises consumption must obtain a class 12 or class 13 alcohol server permit.

(7) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this section. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

~~((7))~~ (8) A brewery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the brewery premises that is not of its own production except as set forth in subsection (1) of this section pursuant to RCW 66.24.244.

~~((8))~~ (9) Licensed beer manufacturers and their employees may:  
(a) Sample beer of their own manufacture for manufacturing, evaluating, or pricing product in areas where the public is not served so long as the licensee employee does not become apparently intoxicated; and

(b) The licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public.

AMENDATORY SECTION (Amending WSR 21-03-095, filed 1/20/21, effective 2/20/21)

**WAC 314-20-019 Domestic brewery or microbrewery endorsement for on-premises consumption of wine.** Consistent with RCW 66.24.246:

(1) A domestic brewery or microbrewery may apply for an endorsement to sell wine for on-premises consumption.

(2) The endorsement holder must comply with each of the following requirements:

(a) The wine must be produced in Washington;

(b) The wine must be sold by the single serving for on-premises consumption; and

(c) The number of wine offerings for sale at any one time is limited to three.

(d) Anyone involved in the selling or serving of alcohol, including the pouring of samples, for on-premises consumption must obtain a class 12 or class 13 alcohol server permit.

(3) The annual fee for the on-premises consumption endorsement is (~~two hundred dollars~~) \$300.

AMENDATORY SECTION (Amending WSR 06-11-051, filed 5/11/06, effective 6/11/06)

**WAC 314-20-145 Beer certificate of approval fee.** (1) The fee for a beer certificate of approval license is (~~(\$200)~~) \$300 per year. The certificate of approval holder must pay the (~~(\$200)~~) \$300 fee for each privilege as described below:

(a) Manufacturer of beer produced in the United States but outside of Washington state, shipping beer to licensed Washington beer distributors or importers.

(b) Authorized representative for beer produced in the United States but outside of Washington state, shipping beer to licensed Washington beer distributors or importers.

(c) Authorized representative for beer produced outside of the United States, shipping beer to licensed Washington beer distributors or importers.

(2) A certificate of approval holder under RCW 66.24.270 (2)(a) may add an endorsement to the certificate of approval that allows the holder to ship beer or strong beer of the holder's own production directly to licensed liquor retailers. The fee for this endorsement is (~~(\$100)~~) \$150 and is in addition to the fee required for a certificate of approval license.

AMENDATORY SECTION (Amending WSR 22-19-035, filed 9/14/22, effective 10/15/22)

**WAC 314-20-350 Contract packaging services endorsement for domestic breweries and microbreweries.** Consistent with RCW 66.24.248:

(1) There is an endorsement available to domestic breweries, microbreweries, wineries, distilleries, and craft distilleries to pro-

vide contract packaging services to other domestic breweries, micro-breweries, wineries, distilleries, craft distilleries, and nonliquor licensed businesses.

(2) Contract packaging services allowed under the endorsement include:

(a) Canning, bottling, and bagging;

(b) Mixing products before packaging;

(c) Repacking of finished products into mixed consumer packs or multipacks; and

(d) Receiving and returning products to the originating liquor licensed businesses as part of a contract in which the contracting liquor licensed party for which the services are being provided retains title and ownership of the products at all times.

(3) An application for an endorsement under this section must be submitted to the board's licensing division. If a licensee is in good standing at the time of the application request, the endorsement will be issued without further requirement for additional licensing or administrative review. "Good standing" means currently licensed, not suspended, and having the proper federal alcohol and tobacco tax and trade bureau permits. The applicant must submit a copy of the proper federal permits with the application. If at any time after the endorsement is issued a licensee begins contract packaging a product for which new federal permits are required, the licensee must submit a copy of the proper federal permits to the board's licensing division.

(4) Consistent with RCW 66.08.130, endorsement holders must make a copy of any contracts and federal permits available to representatives of the board upon request.

(5) The annual fee for this endorsement is ((~~\$100~~)) \$150.

AMENDATORY SECTION (Amending WSR 19-21-002, filed 10/2/19, effective 1/1/20)

**WAC 314-23-005 What are the fees for a spirits distributor license?** (1) The holder of a spirits distributor license must pay to the board a monthly license fee. The license fee is:

(a) Ten percent of the total revenue from all sales of spirits to employees and retail licensees made during the month for which the fee is due for the first (~~(twenty-seven)~~) 27 months of licensure; or

(b) Five percent of the total revenue from all sales of spirits to employees and retail licensees made during the month for which the fee is due for the (~~(twenty-eighth)~~) 28th month of licensure and each month thereafter; and

(c) Required on sales of spirits which the licensee was the first spirits distributor in the state to have received:

(i) Spirits manufactured in the state, from the distiller; or

(ii) Spirits manufactured outside of the state, from an authorized out-of-state supplier.

(2) For sales to employees under RCW 66.28.185 and 66.24.630, the holder of a spirits distributor license must pay a license fee of (~~(seventeen)~~) 17 percent of the total revenue from sales of spirits to employees made during the month for which the fee is due.

(3) Reporting of sales and payment of fees must be submitted electronically or on forms provided by the board.

(4) The annual fee for a spirits distributor license is (~~(one thousand three hundred twenty dollars)~~) \$1,980 for each licensed location.

AMENDATORY SECTION (Amending WSR 19-21-002, filed 10/2/19, effective 1/1/20)

**WAC 314-23-030 What does a spirits certificate of approval license allow?** (1) A spirits certificate of approval license may be issued to spirits manufacturers located outside of the state of Washington but within the United States.

(2) There are three separate spirits certificate of approval licenses as follows:

(a) A holder of a spirits certificate of approval may act as a distributor of spirits they are entitled to import into the state by selling directly to spirits distributors or spirits importers licensed in Washington state. The fee for a certificate of approval is (~~(two hundred dollars)~~) \$300 per year.

(b) A holder of an authorized representative out-of-state spirits importer or brand owner for spirits produced in the United States but outside of Washington state may obtain a spirits authorized representative domestic certificate of approval license which entitles the holder to import spirits into the state by selling directly to spirits distributors, or spirits importers licensed in Washington state. The fee for an authorized representative certificate of approval for spirits is (~~(two hundred dollars)~~) \$300 per year.

(c) A holder of an authorized representative out-of-state spirits importer or brand owner for spirits produced outside of the United States obtains a spirits authorized representative foreign certificate

of approval which entitles the holder to import spirits into the state by selling directly to spirits distributors, or spirits importers licensed in Washington state. The fee for an authorized representative certificate of approval for foreign spirits is (~~two hundred dollars~~) \$300 per year.

(3) A spirits certificate of approval holder, a spirits authorized representative domestic certificate of approval holder, and/or a spirits authorized representative foreign certificate of approval holder must obtain an endorsement to the certificate of approval that allows the shipment of spirits the holder is entitled to import into the state directly to licensed liquor retailers. The fee for this endorsement is (~~one hundred dollars~~) \$150 per year and is in addition to the fee for the certificate of approval license.

(4) The holder of a certificate of approval license that sells directly to licensed liquor retailers must report to the board monthly, electronically or on forms provided by the board, the amount of all sales of spirits to licensed spirits retailers and spirits distributors.

**WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Spirit, beer and wine restaurant operation.** (1) A domestic winery may sell wine of its own production at retail on the winery premises.

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

(4) A domestic winery or a lessee of a licensed domestic winery operating a spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.295, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such spirit, beer and wine restaurant licenses.

(5) A domestic winery may serve its own wine and wine not of its own production without charge on the winery premises as authorized by RCW 66.28.295(2).

(6) Anyone involved in the selling or serving of alcohol, including the pouring of samples, for on-premises consumption must obtain a class 12 or class 13 alcohol server permit.

(7) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served.

~~((7))~~ (8) A domestic winery may sell for off-premises consumption wine of its own production in kegs or sanitary containers brought to the premises by the purchaser or furnished by the licensee in compliance with WAC 314-24-006(4) and filled at the tap at the time of sale.

~~((8))~~ (9) A winery is required to obtain the appropriate retail license pursuant to chapter 66.24 RCW to sell beer, wine, or spirits on the winery premises that is not of its own production. The winery shall follow the appropriate rules for such retail licenses.

~~((9))~~ (10) Licensed wine manufacturers and their employees may: Sample wine of their own manufacture for manufacturing, evaluating, or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee is not also engaged in serving alcohol to the public.

AMENDATORY SECTION (Amending WSR 21-03-095, filed 1/20/21, effective 2/20/21)

**WAC 314-24-163 Domestic winery endorsement for on-premises consumption of beer.** Consistent with RCW 66.24.246:

(1) A licensed domestic winery may apply for an endorsement to sell beer for on-premises consumption. A separate endorsement is required for each location.

(2) The endorsement holder must comply with each of the following requirements:

(a) The beer must be produced in Washington;

(b) The beer must be sold by the single serving for on-premises consumption; and

(c) The number of beer offerings for sale at any one time is limited to three.

(d) Anyone involved in the selling or serving of alcohol, including the pouring of samples, for on-premises consumption must obtain a class 12 or class 13 alcohol server permit.

(3) The annual fee for the on-premises consumption endorsement is (~~two hundred dollars~~) \$300 for each location.

AMENDATORY SECTION (Amending WSR 06-11-050, filed 5/11/06, effective 6/11/06)

**WAC 314-24-232 What is the cost of a wine shipper's permit?** A wine shipper's permit is an annual permit. The fee is (~~one hundred dollars~~) \$150 per year.

AMENDATORY SECTION (Amending WSR 22-19-035, filed 9/14/22, effective 10/15/22)

**WAC 314-24-350 Contract packaging services endorsement for domestic wineries.** Consistent with RCW 66.24.248:

(1) There is an endorsement available to domestic breweries, microbreweries, wineries, distilleries, and craft distilleries to provide contract packaging services to other domestic breweries, microbreweries, wineries, distilleries, craft distilleries, and nonliquor licensed businesses.

(2) Contract packaging services allowed under the endorsement include:

(a) Canning, bottling, and bagging;

(b) Mixing products before packaging;

(c) Repacking of finished products into mixed consumer packs or multipacks; and

(d) Receiving and returning products to the originating liquor licensed businesses as part of a contract in which the contracting liquor licensed party for which the services are being provided retains title and ownership of the products at all times.

(3) An application for an endorsement under this section must be submitted to the board's licensing division. If a licensee is in good

standing at the time of the application request, the endorsement will be issued without further requirement for additional licensing or administrative review. "Good standing" means currently licensed, not suspended, and having the proper federal alcohol and tobacco tax and trade bureau permits. The applicant must submit a copy of the proper federal permits with the application. If at any time after the endorsement is issued a licensee begins contract packaging a product for which new federal permits are required, the licensee must submit a copy of the proper federal permits to the board's licensing division.

(4) Consistent with RCW 66.08.130, endorsement holders must make a copy of any contracts and federal permits available to representatives of the board upon request.

(5) The annual fee for this endorsement is ((~~\$100~~) \$150).

AMENDATORY SECTION (Amending WSR 21-11-034, filed 5/12/21, effective 6/12/21)

**WAC 314-28-300 Off-site tasting room license.** (1) Distillery and craft distillery licensees may apply for an off-site tasting room license as authorized in RCW 66.24.146.

(2) Consistent with RCW 66.24.146:

(a) A distillery or craft distillery licensee is eligible for up to two off-site tasting room licenses located in this state, subject to the limit on the total number of off-site tasting room licenses under RCW 66.24.1473.

(b) Off-site tasting rooms may be indoors, outdoors, or a combined indoor and outdoor area. For requirements related to outside alcohol service, see WAC 314-03-200.

(c) The fee for each off-site tasting room license is (~~two thousand dollars~~) \$2,100 per year.

(3) An off-site tasting room must comply with all applicable requirements in RCW 66.24.146 and any other applicable laws and rules including, but not limited to, the sampling, service, and sales requirements in WAC 314-28-065, the tasting room age restrictions in WAC 314-28-066, and the food offerings requirements in WAC 314-28-067. For information on local city or county requirements, licensees need to contact their local government offices.

(4) RCW 66.24.146 allows an off-site tasting room to have a section identified and separated as a federally bonded space for the storage of bulk or packaged spirits, and allows products of the licensee's own production to be bottled or packaged in the space. A licensee engaging in this activity at an off-site tasting room must comply with all applicable federal laws and regulations and obtain any required federal approvals.

(5) Consistent with RCW 66.24.1474, an off-site tasting room licensee may add a spirits, beer, and wine restaurant license as authorized in RCW 66.24.400 at the off-site tasting room premises. The licensee must complete an application and submit the application and applicable fees to the board for processing. For more information about spirits, beer, and wine restaurant license requirements, see WAC 314-02-015.

(6) Anyone involved in the selling or serving of alcohol, including the pouring of samples, for on-premises consumption must obtain a class 12 or class 13 alcohol server permit.

AMENDATORY SECTION (Amending WSR 22-19-035, filed 9/14/22, effective 10/15/22)

**WAC 314-28-350 Contract packaging services endorsement for domestic distilleries and craft distilleries.** Consistent with RCW 66.24.248:

(1) There is an endorsement available to domestic breweries, microbreweries, wineries, distilleries, and craft distilleries to provide contract packaging services to other domestic breweries, microbreweries, wineries, distilleries, craft distilleries, and nonliquor licensed businesses.

(2) Contract packaging services allowed under the endorsement include:

(a) Canning, bottling, and bagging;

(b) Mixing products before packaging;

(c) Repacking of finished products into mixed consumer packs or multipacks; and

(d) Receiving and returning products to the originating liquor licensed businesses as part of a contract in which the contracting liquor licensed party for which the services are being provided retains title and ownership of the products at all times.

(3) An application for an endorsement under this section must be submitted to the board's licensing division. If a licensee is in good standing at the time of the application request, the endorsement will be issued without further requirement for additional licensing or administrative review. "Good standing" means currently licensed, not suspended, and having the proper federal alcohol and tobacco tax and trade bureau permits. The applicant must submit a copy of the proper federal permits with the application. If at any time after the endorsement is issued a licensee begins contract packaging a product for which new federal permits are required, the licensee must submit a copy of the proper federal permits to the board's licensing division.

(4) Consistent with RCW 66.08.130, endorsement holders must make a copy of any contracts and federal permits available to representatives of the board upon request.

(5) The annual fee for this endorsement is (~~\$100~~) \$150.

AMENDATORY SECTION (Amending WSR 21-01-057, filed 12/9/20, effective 1/9/21)

**WAC 314-38-020 Permits—Fees established.** The fees for permits authorized under RCW 66.20.010 and 66.20.400 are established as follows:

- (1) The fee for a special permit authorized by RCW 66.20.010(1) is ~~((five dollars))~~ \$7.50.
- (2) The fee for a special permit authorized by RCW 66.20.010(2) for purchase of five gallons or less is ~~((five dollars))~~ \$7.50 and for purchase of over five gallons is ~~((ten dollars))~~ \$15.
- (3) The fee for a banquet permit authorized by RCW 66.20.010(3) is established in WAC 314-18-040.
- (4) The fee for a special business permit authorized by RCW 66.20.010(4) is established in WAC 314-38-050.
- (5) The fee for a special permit authorized by RCW 66.20.010(5) is ~~((ten dollars))~~ \$15.
- (6) The fee for a special permit authorized by RCW 66.20.010(6) is ~~((five dollars))~~ \$7.50.
- (7) There is no fee for a special permit authorized by RCW 66.20.010(7).
- (8) The fee for a special permit authorized by RCW 66.20.010(8) is ~~((twenty-five dollars))~~ \$37.50.
- (9) The fee for a special permit authorized by RCW 66.20.010(9) is ~~((twenty-five dollars))~~ \$37.50.
- (10) The fee for a special permit authorized by RCW 66.20.010(10) is ~~((thirty dollars))~~ \$45.
- (11) The fee for a special permit authorized by RCW 66.20.010(11) is ~~((seventy-five dollars))~~ \$112.50.
- (12) There is no fee for a special permit authorized by RCW 66.20.010(12).
- (13) The fee for a special permit authorized by RCW 66.20.010(13) is ~~((ten dollars))~~ \$15.
- (14) The fee for a special permit authorized by RCW 66.20.010(14) is ~~((ten dollars))~~ \$15.
- (15) The fee for a special permit authorized by RCW 66.20.010(15) is ~~((ten dollars))~~ \$15.
- (16) The fee for a special permit authorized by RCW 66.20.010(16) is ~~((twenty-five dollars))~~ \$37.50.
- (17) The fee for a special permit authorized by RCW 66.20.010(17) is ~~((twenty-five dollars))~~ \$37.50 for each winery selling wine at the auction.
- (18) The fee for a day spa permit authorized by RCW 66.20.400 is established in WAC 314-38-070.

AMENDATORY SECTION (Amending WSR 21-01-057, filed 12/9/20, effective 1/9/21)

**WAC 314-38-040 Alcohol raffle permit—Fee.** (1) Any organization authorized to conduct a raffle under RCW 9.46.0315 may raffle alcohol upon obtaining a raffle permit from the board. The fee for a raffle

permit is (~~ten dollars~~) \$15 for a one-time raffle permit or (~~twenty-five dollars~~) \$37.50 for an annual permit.

(2) An application for a raffle permit must be submitted at least (~~thirty~~) 30 days in advance of ticket sales.

(3) An application for a raffle permit must contain the following information:

(a) The full name of the bona fide charitable or bona fide non-profit organization with verification of qualification as referenced in RCW 9.46.0209;

(b) The name, address, and phone number of the organization's officer in charge of the raffle;

(c) The date the raffle ticket sales will begin;

(d) The date, time, and exact location of the drawing;

(e) A description of the alcohol being raffled including its estimated value; and

(f) The source of the alcohol to be raffled (purchased at retail or donated by a private citizen).

(4) An organization's officer must certify that:

(a) Only organization members may purchase tickets or be awarded prizes;

(b) The organization meets the qualifications of a bona fide charitable or bona fide nonprofit organization under RCW 9.46.0209;

(c) The organization will not sell more than (~~five thousand dollars~~) \$5,000 of raffle tickets in a calendar year; and

(d) The organization will not sell raffle tickets to anyone under (~~twenty-one~~) 21 years of age when alcohol is awarded as a prize.

(5) Alcohol to be raffled must have all applicable Washington State taxes paid and may only be:

(a) Purchased at retail; or

(b) Donated by a private citizen.

(6) The issued raffle permit will include:

(a) The organization name and address;

(b) The date and time of the drawing;

(c) The effective dates of the raffle permit; and

(d) A description of the alcohol to be raffled.

(7) The raffle permit must be posted at the location of the drawing prior to and during the drawing. The organization or person in charge of the raffle must allow any representative of either the board or any law enforcement officer, or both, to inspect the raffle permit and raffle items at any time.

AMENDATORY SECTION (Amending WSR 21-01-057, filed 12/9/20, effective 1/9/21)

**WAC 314-38-050 Special permit to serve employees and guests—**

**Purpose—Use—Fee.** (1) Businesses that are not licensed under Title 66 RCW may apply for a special permit authorized by RCW 66.20.010(4) to serve alcohol free of charge to employees and invited guests of the business.

(2) The annual fee for each permit is (~~five hundred dollars~~) \$750.

(3) A separate permit is required for each business premises at which alcohol will be served or consumed.

- (4) A permit is not transferable to another business or organization.
- (5) A permit is valid for (~~twelve~~) 12 months from the first day of the month in which it is issued.
- (6) Permits may only be issued to businesses at which the service and consumption of alcohol is incidental to, and is not part of, the service of the business.
- (7) The permit may not be used to stimulate or increase business from the general public.
- (8) All alcohol served by permit holders must be purchased at retail from a Washington state retail liquor licensee.
- (9) Alcohol service and consumption must be limited to either hospitality rooms or dining rooms, or both, on the premises of the permit holder's business.
- (10) The general public may not enter an area of the business where alcohol is being served or consumed.
- (11) Permit holders may not charge for admission to an area where alcohol is being served.
- (12) Permit holders may not advertise the service of alcohol.
- (13) Alcohol may not be sold by permit holders, including by scrip, donation, contribution, or other means.
- (14) Permit holders may serve alcohol for no more than (~~twenty-four~~) 24 hours during any weekly (~~one hundred sixty-eight~~) 168 hour) period.
- (15) Consistent with RCW 66.20.070, failure to comply with applicable laws and rules may result in the suspension or cancellation of the permit.

AMENDATORY SECTION (Amending WSR 21-01-057, filed 12/9/20, effective 1/9/21)

**WAC 314-38-070 Day spa permit—Fee.** (1) The annual fee for a day spa permit authorized by RCW 66.20.400 is (~~one hundred twenty-five dollars~~) \$187.50.

(2) "Day spa" is defined as a business that offers at least three of the following four service categories:

- (a) Hair care (haircut, hair color, perms, etc.);
- (b) Skin care (facials, makeup application);
- (c) Nail care (manicure, pedicure); and
- (d) Body care (massage, wraps, waxing).

(3) The holder of a day spa permit may offer complimentary wine or beer by the individual glass under the following conditions:

- (a) Customers must be at least (~~twenty-one~~) 21 years of age;
- (b) Spa services must last more than one hour;
- (c) A customer may consume no more than one six ounce glass of wine or one (~~twelve~~) 12 ounce glass of beer per day;
- (d) Employees involved in the service of wine or beer must complete a board-approved limited alcohol server training program;
- (e) Permit holders may not advertise the service of complimentary wine or beer;
- (f) Wine and beer must be purchased from a Washington state licensed retailer;

(g) The permit must be posted in a conspicuous area at the point of sale; and

(h) At least three of the service area categories must be in separate areas of the spa.

(4) The board has the right to inspect the premises and business records at any time.

(5) Consistent with RCW 66.20.070, failure to comply with applicable laws and rules may result in the suspension or cancellation of the permit.

AMENDATORY SECTION (Amending WSR 21-01-057, filed 12/9/20, effective 1/9/21)

**WAC 314-38-100 Accommodation sale permit.** (1) An accommodation sale permit authorized by RCW 66.20.010(16) allows an individual or business to sell a private collection of wine or spirits to another individual or business.

(2) The seller must submit an application and (~~twenty-five dollars~~) \$37.50 fee to the board.

(3) Once the board verifies the information on the application, a permit for the sale will be issued to the seller.

(4) The seller must wait at least five business days after receiving the permit to release either the wine or spirits, or both, to the buyer.

(5) Within (~~twenty~~) 20 calendar days of the sale, the seller must complete an accommodation sale inventory report and submit it to the board.

(6) The following are definitions for the purposes of this section:

(a) "Accommodation sale" means the sale of a private collection of wine or spirits to an individual or business. Both the seller and the buyer must be located in Washington state.

(b) "Buyer" means the individual or business buying a private collection of wine or spirits. A buyer may be a liquor licensee.

(c) "Private collection" means a privately owned collection of wine or spirits. There is no minimum or maximum quantity to be considered a collection.

(d) "Seller" means the individual or business selling a private collection of wine or spirits. The seller cannot be a liquor licensee.

AMENDATORY SECTION (Amending WSR 21-01-057, filed 12/9/20, effective 1/9/21)

**WAC 314-38-110 Nonprofit private wine auction permit.** (1) A nonprofit private wine auction permit authorized under RCW 66.20.010(17) allows a nonprofit organization to sell wine through a private auction not open to the public.

(2) The nonprofit organization must submit an application and fee to the board.

(a) The date and location of the auction must be specified on the application.

(b) Consistent with RCW 66.20.010(17), the one-time event fee is (~~twenty-five dollars~~) \$37.50 multiplied by the number of wineries that are selling wine at the auction event.

(c) A list of event attendees must be submitted with the wine auction permit application.

(3) The holder of the permit may conduct wine tastings of the wine to be auctioned at the event.

(4) All wine sold by auction cannot be consumed during the event.

(5) Wine from multiple wineries may be sold at the auction. Each winery must be listed on the application.

(6) The permit must be posted in a conspicuous location at the premises for which the permit was issued during all times the permit is in use.

**WAC 314-45-010 Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures.** Activities pursuant to RCW 66.20.010 (8)(~~7~~) and (9), a manufacturer, importer, distributor, or agent thereof, may serve or donate liquor without charge to delegates and guests at a bona fide convention of a trade association composed of licensees of the board, subject to conditions set forth in this regulation.

(1) For the purposes of this section a "convention" is defined as a bona fide session or assembly of the general membership of a trade association composed of licensees of the board.

(2) Such manufacturer, importer, distributor, or agent thereof, must hold a special permit issued by the board to engage in such an activity at such convention. The fee for each such special permit shall be (~~(\$25.00)~~) \$37.50. A permit is required for each booth or room a manufacturer, importer, distributor, or agent thereof is serving or donating liquor. Application for such permit shall be submitted on a form prescribed by the board. The statutory permits applicable to such activities are:

(a) A special permit provided for in RCW 66.20.010(8) which authorizes the holder thereof to serve liquor without charge to delegates and guests in a hospitality room or from a booth in a board-approved suppliers' display room at such convention.

(b) A special permit provided for in RCW 66.20.010(9) which authorizes the holder thereof to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at such convention.

(3) Any liquor served or donated as provided herein is authorized only for consumption within a specific area designated on an application for permit and approved by the board.

(4) A special permit holder who serves or donates any beer or wine on which state taxes have not been paid, must file a report of the quantity so served or donated and remit the amount of the taxes to the board, in conformity with RCW 66.20.010 (8)(~~7~~) and (9).

(5) Any spirituous liquor served or donated shall be purchased from a licensed spirits retailer.

(6) Any licensee promoting a trade show event shall submit a list of all suppliers attending the event.

**WAC 314-55-075 Cannabis producer license—Privileges, requirements, and fees.** (1)(a) A cannabis producer license allows the licensee to produce, harvest, trim, dry, cure, and package cannabis into lots for sale at wholesale to cannabis processor licensees and to other cannabis producer licensees. A cannabis producer may also produce and sell:

(i) Cannabis plants, seed, and plant tissue culture to other cannabis producer licensees;

(ii) Immature cannabis plants or clones and cannabis seeds to members of a registered cooperative, qualifying patients, or designated providers under the conditions provided in this chapter; and

(iii) Immature cannabis plants or clones and cannabis seeds to a licensed cannabis researcher under the conditions provided in this chapter.

(b) Cannabis production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083. An outdoor grow must be physically separated at least 20 feet from another licensed outdoor grow. In addition, outdoor grows cannot share common walls or fences.

(2) The application fee for a cannabis producer license is \$250. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(3) (~~The annual fee for issuance and renewal of a cannabis producer license is \$1,000.~~) The annual fee for issuance and renewal of a cannabis producer license is \$1,381. The LCB will conduct random criminal history checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee is responsible for all fees required for criminal history checks.

(4) The application window for cannabis producer licenses is closed. The LCB may reopen the cannabis producer application window at subsequent times when the LCB deems necessary.

(5) Any entity and/or principals within any entity are limited to an interest, as defined in WAC 314-55-035, in no more than three cannabis producer licenses.

(6) The maximum amount of space for cannabis production cannot exceed the amount licensed. Applicants must designate on their operating plan the size category of the production premises and the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

(a) Tier 1 - Less than 4,000 square feet;

(b) Tier 2 - Four thousand square feet up to 10,000 square feet; and

(c) Tier 3 - Ten thousand square feet up to 30,000 square feet.

(7) The LCB may reduce a licensee's or applicant's square footage designated to plant canopy for the following reasons:

(a) If the amount of square feet of production of all licensees exceeds the maximum square feet the LCB will reduce the allowed square footage by the same percentage.

(b) If 50 percent production space used for plant canopy in the licensee's operating plan is not met by the end of the first year of operation the LCB may reduce the tier of licensure.

(8) If the total amount of square feet of cannabis production exceeds the maximum square feet, the LCB reserves the right to reduce all licensee's production by the same percentage or reduce licensee production by one or more tiers by the same percentage.

(9) The maximum allowed amount of cannabis on a producer's premises at any time is as follows:

(a) Outdoor or greenhouse grows - One and one-quarter of a year's harvest; or

(b) Indoor grows - Six months of their annual harvest.

(10) A producer may not treat or otherwise adulterate useable cannabis with any organic or nonorganic chemical or other compound whatsoever to alter the color, appearance, weight, or smell of the useable cannabis.

(11) A cannabis producer must make quality assurance test results available to any processor purchasing product. A cannabis producer must label each lot of cannabis with the following information:

(a) Lot number;

(b) UBI number of the producer; and

(c) Weight of the product.

AMENDATORY SECTION (Amending WSR 25-21-035, filed 10/8/25, effective 11/8/25)

**WAC 314-17-025 Requirement for permit holders to carry their class 12 or 13 permit.** (1) Any time a licensee or an employee performs the duties outlined in WAC 314-17-015 at (~~a retail licensed premises~~) an on-premises licensed facility, a licensee or an employee must have:

(a) Their class 12 or 13 permit on the retail licensed premises; and

(b) One form of identification (see WAC 314-11-025 for acceptable forms of identification).

(2) Both a class 12 or 13 permit and a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) A person shall be in violation if they falsify a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.



## **Notice of Permanent Rules – 2025 Legislative Implementation Package (HB 1636, HB 1698, 2SSB 5786, etc.)**

### **Concise Explanatory Statement**

This concise explanatory statement concerns the Washington State Liquor and Cannabis Board's (LCB) adoption of amendments to and the repeal of rules throughout Title 314 WAC, necessary to implement HB 1636, HB 1698, 2SSB 5786, and ensure alignment with previously adopted statutes.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. The concise explanatory statement must be provided to any person upon request, or from whom the LCB received comment.

The LCB appreciates and encourages your involvement in the rule making process. If you have questions, please contact Kevin Walder, Policy & Rules Manager, at [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov).

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### **Background and reasons for adopting these rules:**

During the 2025 Legislative Session, the Washington State Legislature passed HB 1636, HB 1698, and 2SSB 5786 into law. These bills made explicit amendments to several statutes (RCWs) upon which dozens of LCB rules (WACs) are based. Because LCB rules must align with existing statute, and the LCB has no discretion regarding the implementation of the changes made in statute, the LCB has utilized the expedited rulemaking process in adherence with [RCW 34.05.353](#), to adopt various rule amendments.

In addition to aligning rules with these new statutory changes, the LCB also adopted other miscellaneous rule changes that are explicitly dictated by statute, over which the Board has no discretion regarding implementation. These changes include typographical corrections and the repeal of temporary provisions in rule allowing for the delivery of certain alcoholic beverages during the Covid-19 pandemic that have since been repealed in statute.

A detailed explanation of the final rules can be found in the CR-105 memo.

### **Rulemaking history for this adopted rule:**

**CR-105:** Filed November 18, 2025, as [WSR 25-23-073](#)

**The effective date of these rules is January 20, 2026.**

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**Public comment received on the rule proposal:**

There were no public comments received on this rule.

**Changes from Proposed Rules (CR-102) to the Rules as Adopted:**

There were no changes between the proposed rule and the final rule.