



**Washington State  
Liquor and Cannabis Board**

**Date:** March 4, 2026

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

**From:** Jeff Kildahl, Policy and Rules Coordinator

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

**Subject:** **Board approval of proposed rules (CR 102) regarding contract kitchen options for domestic breweries and microbreweries**

The Director’s Office requests approval to file a rule proposal (CR 102) to amend existing rules to as described in the CR 102 Memorandum attached to this order and presented at the Board meeting on Mach 4, 2026. If approved for filing, the tentative timeline for this rule proposal is as follows:

March 4, 2026	Board is asked to approve filing proposed rules (CR 102). CR 102 filed with the Office of the Code Reviser. LCB webpage updated, and notice circulated by GovDelivery distribution list. Formal comment period begins.
March 18, 2026	Notice published in the Washington State Register under WSR 26-06.
April 9, 2026	Public hearing held and formal comment period ends.
May 6, 2026	Board is asked to adopt rules if no substantive changes are made (CR 103). Concise Explanatory Statement provided to individuals who offered written or oral comment at the public hearing or during the formal comment period, consistent with RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser.

	LCB webpage updated, and notice circulated by GovDelivery distribution list.
June 6, 2026	Rules are effective 31 days after filing, unless otherwise specified. See RCW 34.05.380(2).

Approve       Disapprove      \_\_\_\_\_  
 Jim Vollendroff, Board Chair      \_\_\_\_\_  
 Date

Approve       Disapprove      \_\_\_\_\_  
 Ollie Garrett, Board Member      \_\_\_\_\_  
 Date

Approve       Disapprove      \_\_\_\_\_  
 Pete Holmes, Board Member      \_\_\_\_\_  
 Date

Attachment: CR 102 Memorandum



## **CR 102 Memorandum**

### **Regarding contract kitchen options for domestic breweries and microbreweries**

Date: March 4, 2026  
Presented by: Jeff Kildahl, Policy and Rules Coordinator

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#### **Background**

The Washington State Legislature passed [Engrossed House Bill 1602](#) (Chapter 141, Laws of 2025) on April 14, 2025. This Bill, which went into effect on July 27, 2025, allows for domestic breweries or microbreweries to subcontract with one or more individuals or entities, including mobile food trucks, to satisfy the food service options necessary to obtain and maintain a beer and/or wine restaurant license or a spirits, beer, and wine restaurant license.

The LCB filed a CR 101 on September 3, 2025 as [WSR 25-19-002](#) to begin rulemaking to implement EHB 1602.

#### **Stakeholder Engagement**

An informal comment period was held on the CR 101 from September 3, 2025 until October 17, 2025. In addition, on November 18, 2025, the LCB held a virtual public stakeholder meeting to review the rulemaking project and consider draft changes to rule language in WAC sections 314-02-015, 314-02-035, and 314-02-045.

#### **Estimated Costs of Compliance**

Under the Regulatory Fairness Act (RFA) in chapter 19.85 RCW, agencies are required to consider the costs that complying with the proposed rules will impose on businesses, unless the proposed rules are subject to an exemption to this requirement. The CR 102 form describes these exemptions in more detail. These proposed rule amendments do not impose any significant regulatory burden on licensees and instead expand options for domestic breweries and microbreweries who can now take advantage of expanded business options.

#### **Rule Necessity**

The proposed rule amendments are required to implement EHB 1602 to allow for expanded restaurant options for domestic breweries and microbreweries.

#### **Description of Rule Changes**

Proposed amendments to rules in WAC 314-02-015 regarding spirits, beer, and wine restaurants include the following changes in rule language:

- Allowing that a domestic brewery or microbrewery may contract, lease, or sublease the domestic brewery or microbrewery to qualify and maintain a spirits, beer, and wine restaurant license by contracting one or more individuals or entities to satisfy the food service requirements for spirits, beer, and wine restaurants. Leasing and subleasing includes the use of a domestic brewery or microbrewery's licensed premises for the preparation and service of food by a person or entity that does not hold a liquor license.
- Allowing contracted use includes the use of a mobile food unit, as defined in RCW 43.20.025, by a person or entity who sells food and nonalcoholic beverages to the public and does not hold a retail liquor license.
- Allowing a domestic brewery or microbrewery to own and operate a mobile food unit to meet their spirits, beer, and wine restaurant food service requirements, although contracted food service staff are not permitted to serve the alcohol of the licensee.
- Setting requirements for the domestic brewery or microbrewery leasing or subleasing space on the licensed premises to maintain storage space for nontax-paid alcohol that is substantially separated from areas of the premises that are regularly accessed by the owner or staff of a mobile food unit or the owner or staff of an independently operated food service provider.
- Setting requirements for a domestic brewery or microbrewery contracting or leasing space on its licensed premises to include the following information in the contract or lease:
  - A diagram of the kitchen plan detailing the space controlled by the contractor providing food service for the domestic brewery or microbrewery;
  - A notification that the liquor licensed premises, including all space contracted for food service, is subject to inspection by the LCB;
  - The terms to ensure compliance with the establishment's required hours and days of operation, full meal service requirements, minimum food service requirements, and the contractor's mandate in RCW 66.24.240 to hold necessary kitchen and food service permits from the applicable local jurisdiction; and
  - Any changes to the domestic brewery or microbrewery's contract or lease, vendor, or kitchen plan must be submitted to the LCB.
  - The domestic brewery or microbrewery must ensure that all applicable food service requirements are satisfied at all times that they are open for business. Extenuating circumstances, such as the unexpected absence of one or more contractors or a contractor's equipment failure, will not absolve a spirits, beer, and wine licensee of these requirements. A spirits, beer, and wine restaurant licensee cannot choose to stop operating under their restaurant license and

only serve beer (without food options that satisfy requirements in WAC 314-02-035) under a brewery license during any portion of their spirits, beer, and wine restaurant operating hours.

Proposed updates to rules in WAC 314-02-035 regarding spirits, beer, and wine restaurants include the following change:

- Allowing a domestic brewery or microbrewery to contract with one or more individuals or entities to satisfy the food service requirements when qualifying for and maintaining a spirits, beer, and wine restaurant license.

Proposed amendments to rules in WAC 314-02-045 beer and/or wine restaurants including the following changes in rule language:

- Allowing that a domestic brewery or microbrewery may contract, lease, or sublease the domestic brewery or microbrewery to qualify and maintain a beer and/or wine restaurant license by contracting one or more individuals or entities to satisfy the food service requirements for beer and/or wine restaurants. Leasing and subleasing includes the use of a domestic brewery or microbrewery's licensed premises for the preparation and service of food by a person or entity that does not hold a liquor license.
- Allowing contracted use includes the use of a mobile food unit, as defined in RCW 43.20.025, by a person or entity who sells food and nonalcoholic beverages to the public and does not hold a retail liquor license.
- Allowing a domestic brewery or microbrewery to own and operate a mobile food unit to meet their beer and/or wine restaurant food service requirements, although contracted food service staff are not permitted to serve the alcohol of the licensee.
- Setting requirements for the domestic brewery or microbrewery leasing or subleasing space on the licensed premises to maintain storage space for nontax-paid alcohol that is substantially separated from areas of the premises that are regularly accessed by the owner or staff of a mobile food unit or the owner or staff of an independently operated food service provider.
- Setting requirements for a domestic brewery or microbrewery contracting or leasing space on its licensed premises to include the following information in the contract or lease:
  - A diagram of the kitchen plan detailing the space controlled by the contractor providing food service for the domestic brewery or microbrewery;
  - A notification that the liquor licensed premises, including all space contracted for food service, is subject to inspection by the LCB;

- The terms to ensure compliance with the establishment's required hours and days of operation, full meal service requirements, minimum food service requirements, and the contractor's mandate in RCW 66.24.240 to hold necessary kitchen and food service permits from the applicable local jurisdiction; and
- Any changes to the domestic brewery or microbrewery's contract or lease, vendor, or kitchen plan must be submitted to the LCB.
- The domestic brewery or microbrewery must ensure that all applicable food service requirements are satisfied at all times that they are open for business. Extenuating circumstances, such as the unexpected absence of one or more contractors or a contractor's equipment failure, will not absolve beer and/or wine restaurants licensee of these requirements. A beer and/or wine restaurants licensee cannot choose to stop operating under their restaurant license and only serve beer (without food options that satisfy requirements in WAC 314-02-035) under a brewery license during any portion of their beer and/or wine restaurants operating hours.

# PROPOSED RULE MAKING



## CR-102 (June 2024) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Washington State Liquor and Cannabis Board

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 25-19-002 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Chapter 314-02 WAC. The Washington State Liquor and Cannabis Board (Board) is proposing amendments to three rule sections of chapter 314-02 WAC for implementation of Engrossed House Bill 1602 (Chapter 141, Laws of 2025) regarding expanded contract food service options for domestic breweries and microbreweries that apply for beer and wine restaurant or sprints, beer, and wine restaurant licenses.

The rule amendments proposed to implement EHB 1602 include the following rule sections:

WAC 314-02-015 – What is a spirits, beer, and wine restaurant license?

WAC 314-02-035 – Food service requirements for a spirits, beer, and wine restaurant license.

WAC 314-02-045 – What is a beer and/or wine restaurant license?

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 9, 2026	1:00 PM	Public hearings related to Liquor and Cannabis Board rulemaking activity will be held in a “hybrid” environment. This means that the public will have options for in-person or virtual attendance and for providing verbal comments during public rules hearings. A meeting room will be set up at headquarters building in Olympia (1025 Union Avenue, Olympia, WA 98504) for in-person attendance and the public may also log in using a computer or a device, or call-in using a phone to listen to the meeting through the Microsoft Teams application. Please note that although the meeting room will be staffed during the hearing, agency staff may appear virtually.	<p>The LCB encourages those who would like to provide public comment to register in advance. Those who have not registered by 1:00 p.m. on the hearing date, or who arrive after the hearing has started, cannot be guaranteed the opportunity to speak.</p> <p>To register in advance to provide verbal comments or for related questions, please email <a href="mailto:publichearings@lcb.wa.gov">publichearings@lcb.wa.gov</a></p> <p>For more information about providing verbal comments at rules public hearings, please visit: <a href="https://lcb.wa.gov/publichearings">https://lcb.wa.gov/publichearings</a></p>

**Date of intended adoption:** Not earlier than May 6, 2026. \_ (Note: This is **NOT** the **effective** date)

### Submit written comments to:

Name Jeff Kildahl, Rules Coordinator

Address PO Box 43080, Olympia, WA 98504

Email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov)

### Assistance for persons with disabilities:

Contact Dawn Russell, ADA Coordinator, Human Resources

Phone 360-664-1635

Fax 360-664-9689

Fax 360-704-5027

TTY 7-1-1 or 1-800-833-6388

Other

Email dawn.russell@lcb.wa.gov

Beginning (date and time) March 4, 2026, 12:00 PM

Other

By (date and time) April 9, 2026, 5:00 PM

By (date) March 26, 2026

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Washington State Legislature passed Engrossed House Bill 1602 (Chapter 141, Laws of 2025) on April 14, 2025. This Bill, which went into effect on July 27, 2025, allows for domestic breweries or microbreweries to subcontract with one or more individuals or entities, including mobile food trucks, to satisfy food service requirements necessary to obtain and maintain a beer and/or wine restaurant license or a spirits, beer, and wine license. The proposed amendments to the existing rules are intended to implement EHB 1602 by doing the following:

- Allowing that a domestic brewery or microbrewery may contract, lease, or sublease the domestic brewery or microbrewery to qualify and maintain a spirits, beer, and wine restaurant license or beer and wine restaurant license by contracting one or more individuals or entities to satisfy the food service requirements for spirits, beer, and wine restaurants or beer and wine restaurants. Leasing and subleasing includes the use of a domestic brewery or microbrewery's licensed premises for the preparation and service of food by a person or entity that does not hold a liquor license.
- Allowing contracted use includes the use of a mobile food unit, as defined in RCW 43.20.025, by a person or entity who sells food and nonalcoholic beverages to the public and does not hold a retail liquor license.
- Allowing a domestic brewery or microbrewery to own and operate a mobile food unit to meet their spirits, beer, and wine restaurant food service requirements, although contracted food service staff are not permitted to serve the alcohol of the licensee.
- Setting requirements for the domestic brewery or microbrewery leasing or subleasing space on the licensed premises to maintain storage space for nontax-paid alcohol that is substantially separated from areas of the premises that are regularly accessed by the owner or staff of a mobile food unit or the owner or staff of an independently operated food service provider.
- Setting requirements for a domestic brewery or microbrewery contracting or leasing space on its licensed premises to include the following information in the contract or lease:
  - A diagram of the kitchen plan detailing the space controlled by the contractor providing food service for the domestic brewery or microbrewery;
  - A notification that the liquor licensed premises, including all space contracted for food service, is subject to inspection by the LCB;
  - The terms to ensure compliance with the establishment's required hours and days of operation, full meal service requirements, minimum food service requirements, and the contractor's mandate in RCW 66.24.240 to hold necessary kitchen and food service permits from the applicable local jurisdiction; and
  - Any changes to the domestic brewery or microbrewery's contract or lease, vendor, or kitchen plan must be submitted to the board.
  - The domestic brewery or microbrewery must ensure that all applicable food service requirements are satisfied at all times that they are open for business. Extenuating circumstances, such as the unexpected absence of one or more contractors or a contractor's equipment failure, will not absolve a spirits, beer, and wine licensee of these requirements. A spirits, beer, and wine restaurant licensee cannot choose to stop operating under their restaurant license and only serve beer (without food options that satisfy requirements in WAC 314-02-035) under a brewery license during any portion of their spirits, beer, and wine restaurant operating hours.

**Reasons supporting proposal:** Rules on this subject are necessary to implement EHB1602 (Chapter 141, Laws of 2025), which passed the legislature on April 14, 2025. The proposed rules will expand business options available to domestic breweries and microbreweries as well as other small businesses that contract with licensees.

**Statutory authority for adoption:** RCW 66.08.030, RCW 62.24.246, Engrossed House Bill 1602 (Chapter 141, Laws of 2025)

**Statute being implemented:** RCW 66.24.240, RCW 66.24.244, RCW 66.24.320, RCW 66.24.400, RCW 66.24.410, RCW 66.04.010

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Washington State Liquor and Cannabis Board

**Type of proponent:**  Private.  Public.  Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Jeff Kildahl, Rules Coordinator	PO Box 43080, Olympia, WA 98504	360-480-7960
Implementation	Lawerence Grant, Director of	PO Box 43080, Olympia, WA 98504	360-664-1726
Enforcement and Education			
Enforcement	Lawerence Grant, Director of	PO Box 43080, Olympia, WA 98504	360-664-1726
Enforcement and Education			

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**

Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

No: Please explain: The proposed amended rules do not qualify as a significant legislative rule requiring a cost-benefit analysis under RCW 34.05.328(5). The LCB is not a listed agency under RCW 34.05.328(5)(a)(i), so the cost-benefit analysis requirements in RCW 34.05.328 are not applicable to the proposed rules unless voluntarily applied or made applicable by the joint administrative rules review committee under RCW 34.05.328(5)(a)(ii).

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- |   |  |
|---|--|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions: Check one.**

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement: Complete this section if any portion is not exempt.**

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

**Date:** March 4, 2026

**Name:** Jim Vollendroff

**Title:** Board Chair

**Signature:**

Place signature here

**WAC 314-02-015 ((What is a)) Spirits, beer, and wine restaurant license((?)).** (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual glass or soju by the bottle for on-premises consumption.

(i) Soju served by the bottle may only be served in restaurants holding a soju endorsement and must be served under the provisions outlined in RCW 66.24.400(5);

(ii) Soju endorsement holders must ensure servers providing soju to patrons are trained every five years in the soju curriculum developed by the board.

(b) Serve beer by the bottle or can or by tap for on-premises consumption;

(c) Serve wine and sake for on-premises consumption;

(d) Allow patrons to remove recorked or recapped wine, sake, or soju from the licensed premises;

(e) Sell wine by the bottle for off-premises consumption with the appropriate endorsement; and

(f) Sell kegs of malt liquor with the appropriate endorsement. This endorsement also allows the sale of beer or cider as defined in RCW 66.24.210(6) in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the retailer at the time of sale.

(2) To obtain and maintain a spirits, beer, and wine restaurant license, the restaurant must be open to the public at least five hours a day during the hours of 8:00 a.m. and 11:00 p.m., three days a week.

(3) (a) Except as provided in (b) of this subsection, all applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" means a business where the board can clearly determine that the primary purpose of the business is the service of complete meals. "Complete meals" is defined in WAC ((314-02-035)) 314-02-010.

(b) When qualifying for and maintaining a spirits, beer, and wine license, a domestic brewery or microbrewery may contract, lease, or sublease the domestic brewery or microbrewery, with one or more individuals or entities to satisfy the food service requirements for spirits, beer, and wine restaurants in WAC 314-02-035.

(i) For purposes of this section, contracting includes the use of a mobile food unit, as defined in RCW 43.20.025, by a person or entity who sells food and nonalcoholic beverages to the public and does not hold a retail liquor license.

(ii) For purposes of this section, leasing and subleasing includes allowing, under contract, the use of a domestic brewery or microbrewery's licensed premises for the preparation and service of food by a nonliquor licensee.

(iii) Nothing in this section shall prohibit a domestic brewery or microbrewery from owning and operating a mobile food unit to meet spirits, beer, and wine restaurant food service requirements.

In such cases:

(c) Contracted food service staff not employed by the licensee are not permitted to serve the alcohol of the licensee.

(d) Any domestic brewery or microbrewery leasing or subleasing space on the licensed premises shall maintain storage space for non-tax-paid alcohol that is substantially separated from areas of the premises that are regularly accessed by the owner or staff of a mobile food unit or the owner or staff of an independently operated food service provider. For the purposes of this section, substantially separated may include:

(i) Physically securing nontax-paid alcohol in a manner that is only accessible to employees of the licensed domestic brewery or microbrewery; or

(ii) Storing alcohol in areas of the premises that are not regularly accessed by contracted food service provider staff. Any access to spaces by contracted food service providers who are providing contracted food services must be incidental and limited to that which is necessary for the purposes of accessing bathrooms, breakrooms, exits, or other permitted shared spaces.

(e) A domestic brewery or microbrewery contracting or leasing space on its licensed premises must include in the contract or lease:

(i) A diagram of the kitchen plan detailing the space controlled by the contractor providing food service for the domestic brewery or microbrewery;

(ii) A notification that the liquor licensed premises, including all space contracted for food service, is subject to inspection by the LCB;

(iii) Terms to ensure compliance with the establishment's required hours and days of operation, full meal service requirements, minimum food service requirements, and the contractor's mandate in RCW 66.24.240 to hold necessary kitchen and food service permits from the applicable local jurisdiction;

(iv) Any changes to the domestic brewery or microbrewery's contract or lease, vendor, or kitchen plan must be submitted to the board.

Notes:

(1) Regardless of whether a domestic brewery or microbrewery uses its own facilities and staff to satisfy food service requirements for spirits, beer, and wine restaurants in WAC 314-02-035 or they use one or more contractors to do so, the domestic brewery or microbrewery must ensure that all applicable food service requirements are satisfied at all times that they are open for business. Extenuating circumstances, such as the unexpected absence of one or more contractors or a contractor's equipment failure, will not absolve a spirits, beer, and wine licensee of these requirements.

(2) A spirits, beer, and wine restaurant licensee cannot choose to stop operating under their restaurant license and only serve beer (without food options that satisfy requirements in WAC 314-02-035) under a brewery license during any portion of their spirits, beer, and wine restaurant operating hours.

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

**WAC 314-02-035 Food service requirements for a spirits, beer, and wine restaurant license.** (1) Except as provided under subsection (10) of this section, a spirits, beer, and wine restaurant licensee must serve at least four complete meals. Establishments shall be maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals. "Complete meal" is defined in WAC 314-02-010.

(2) The restaurant must maintain the kitchen equipment necessary to prepare the complete meals required under this section.

(3) The complete meals must be prepared on the restaurant premises.

(4) A chef or cook must be on duty while complete meals are offered.

(5) A menu must be available to customers.

(6) The food items required to maintain the menu must be on the restaurant premises. These items must be edible.

(7) Restaurants that have 100 percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.

(8) (a) Restaurants with less than 100 percent dedicated dining area must maintain complete meal service for a minimum of five hours a day during the hours of 8:00 a.m. and 11:00 p.m., three days a week.

(b) Minimum food service must be available during hours of alcohol service when complete meal service is not offered. "Minimum food service" is defined in WAC 314-02-010.

(9) The hours of complete meal service must be conspicuously posted on the premises or listed on the menu. A statement that minimum food service is available outside of those hours must also be posted or listed on the menu.

(10) When qualifying for and maintaining a spirits, beer, and wine restaurant license, a domestic brewery or microbrewery may contract with one or more individuals or entities to satisfy the food service requirements for spirits, beer, and wine restaurants in this section per the provisions of WAC 314-02-015 (3) (b) through (d) (iv).

AMENDATORY SECTION (Amending WSR 25-19-050, filed 9/10/25, effective 10/11/25)

**WAC 314-02-045 ((What is a) Beer and/or wine restaurant license (?))**. (1) Per RCW 66.24.320 and 66.24.354, this license allows a restaurant to:

<b>Privilege</b>	<b>Annual fee</b>
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$300
(b) Serve wine or sake for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked or recapped wine or sake from the premises).	\$300
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in (c) of this subsection.

Privilege	Annual fee
(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 restaurant 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 314-02-115 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in (c) of this subsection.

(2) Except as provided in subsection (4) of this section, all applicants for a beer and/or wine restaurant license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant, as defined in RCW 66.04.010.

(a) Minimum food service is required, as defined in WAC 314-02-010.

(b) To obtain and maintain a beer and/or wine restaurant license, the restaurant must be open to the public at least five hours a day, two days a week.

(3) If a beer and/or wine restaurant's dedicated dining area comprises less than 15 percent of the total customer service area, the premises must maintain a tavern license as described in WAC 314-02-070.

(4) When qualifying for and maintaining a beer and/or wine license, a domestic brewery or microbrewery may contract, lease, or sublease the domestic brewery or microbrewery, with one or more individuals or entities to satisfy the food service requirements for beer and wine restaurants in WAC 314-02-010.

(a) For purposes of this section, contracting includes the use of a mobile food unit, as defined in RCW 43.20.025, by a person or entity who sells food and nonalcoholic beverages to the public and does not hold a retail liquor license.

(b) For purposes of this section, leasing and subleasing includes allowing, under contract, the use of a domestic brewery or microbrewery's licensed premises for the preparation and service of food by a nonliquor licensee.

(c) Nothing in this section shall prohibit a domestic brewery or microbrewery from owning and operating a mobile food unit to meet beer and wine restaurant food service requirements.

In such cases:

(5) Contracted food service staff not employed by the licensee are not permitted to serve the alcohol of the licensee.

(6) Any domestic brewery or microbrewery leasing or subleasing space on the licensed premises shall maintain storage space for nontax-paid alcohol that is substantially separated from areas of the premises that are regularly accessed by the owner or staff of a mobile food unit or the owner or staff of an independently operated food service provider. For the purposes of this section, substantially separated may include:

(a) Physically securing nontax-paid alcohol in a manner that is only accessible to employees of the licensed domestic brewery or microbrewery; or

(b) Storing alcohol in areas of the premises that are not regularly accessed by contracted food service provider staff. Any access to spaces by contracted food service providers who are providing contracted food services must be incidental and limited to that which is necessary for the purposes of accessing bathrooms, breakrooms, exits, or other permitted shared spaces.

(7) A domestic brewery or microbrewery contracting or leasing space on its licensed premises must include in the contract or lease:

(a) A diagram of the kitchen plan detailing the space controlled by the contractor providing food service for the domestic brewery or microbrewery;

(b) A notification that the liquor licensed premises, including all space contracted for food service, is subject to inspection by the LCB;

(c) Terms to ensure compliance with the establishment's required hours and days of operation, full meal service requirements, minimum food service requirements, and the contractor's mandate in RCW 66.24.240 to hold necessary kitchen and food service permits from the applicable local jurisdiction.

(8) Any changes to the domestic brewery or microbrewery's contract or lease, vendor, or kitchen plan must be submitted to the board.

Notes:

(1) Regardless of whether a domestic brewery or microbrewery uses its own facilities and staff to satisfy food service requirements for spirits, beer, and wine restaurants in WAC 314-02-035 or they use one or more contractors to do so, the domestic brewery or microbrewery must ensure that all applicable food service requirements are satisfied at all times that they are open for business. Extenuating circumstances, such as the unexpected absence of one or more contractors or a contractor's equipment failure, will not absolve a spirits, beer, and wine licensee of these requirements.

(2) A spirits, beer, and wine restaurant licensee cannot choose to stop operating under their restaurant license and only serve beer (without food options that satisfy requirements in WAC 314-02-035) under a brewery license during any portion of their spirits, beer, and wine restaurant operating hours.