



## Washington State Liquor and Cannabis Board

**Topic:** Petition for Adoption, Amendment, or Repeal of a State Administrative Rule – Beer Vending Machine.  
**Date:** September 28, 2022  
**Presented by:** Audrey Vasek, Policy and Rules Coordinator

### Background

On August 5, 2022, Tim Churchill on behalf of Hop Hops Bottle Shop (Spokane), submitted a petition for adoption, amendment, or repeal of a state administrative rule. The petition requests that the agency adopt a new rule to allow the sale of Washington craft beer at the Spokane Airport through a secure, age-verified vending machine.

In the rule petition, Tim Churchill stated:

☒ **1. NEW RULE - I am requesting the agency to adopt a new rule.**

- ☐ The subject (or purpose) of this rule is: To open small business channels for the WA Beer industry. To sell Washington craft beer at Spokane Airport, through a secure age-verified vending machine.
- ☒ The rule is needed because: Currently, retailers must have a brick and mortar or \$3000 of product always in order to resell beer. This prevents businesses from selling at nomatic locations: pop-up shops, special events, etc
- ☒ The new rule would affect the following people or groups: Small breweries, small businesses, tourists looking for Spokane beer individual bottle. Will be 1st machine in Washington state.

In a follow-up phone conversation about the rule petition, Tim Churchill further explained that under this concept, the vending machine would sell beer for off-premises consumption only. The vending machine would not be located in an age-restricted area or have any employees monitoring it. Instead, the vending machine would be separate from any other liquor licensed premises and would rely on cloud-based internet technology to verify that customers are of legal age and are not intoxicated.

### Issue

Whether the Board should initiate the rulemaking process to consider allowing the sale of beer for off-premises consumption through vending machines.

### Authority

#### Laws

RCW 66.08.030(12) authorizes the Board to adopt regulations “[p]rescribing the conditions, accommodations, and qualifications requisite for the obtaining of licenses to sell beer, wines, and spirits, and regulating the sale of beer, wines, and spirits thereunder.”

RCW 66.24.010 establishes liquor licensing requirements and describes criteria that the Board is required to consider when deciding to grant or deny a license. With respect to physical premises, subsection (2) states: "For the purpose of considering any application for a license, or the renewal of a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises." RCW 66.24.010(2).

RCW 66.24.371 creates the beer and/or wine specialty shop license which allows a licensee "to sell beer, strong beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold. . . ." RCW 66.24.371(1). Subsection (5) states: "Licensees holding a beer and/or wine specialty shop license must maintain a minimum three thousand dollar wholesale inventory of beer, strong beer, and/or wine." RCW 66.24.371(5).

RCW 66.24.660 allows retailers to sell liquor "through self-checkout registers if that register is programmed to halt that transaction during the purchase of liquor until an employee of the retailer intervenes and verifies the age of the purchaser by reviewing established forms of acceptable identification. Once age is successfully verified, the employee can release the transaction for payment. If the purchaser cannot provide acceptable forms of identification to verify age, the employee must refuse the purchase and void the transaction."

RCW 66.44.270 prohibits the sale of liquor to persons under the age of twenty-one years.

RCW 66.44.200 prohibits the sale of liquor to persons apparently under the influence of liquor.

### *Rules*

WAC 314-02-105 contains the rules for the beer and/or wine specialty shop license, which state:

- (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 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.

WAC 314-02-105(3).

WAC 314-01-005 defines "premises" as follows: "'Licensed premises" or "premises" means all areas of a premises under the legal control of the licensee and available to or used by customers and/or employees in the conduct of business operations. Specific

alcohol consumption areas of a licensed premises shall be approved by the board.” WAC 314-01-005(1).

WAC 314-02-010 defines “on-premises liquor licensed premises” as follows: ““On-premises liquor licensed premises” means a building in which a business is located inside that is allowed to sell alcohol for consumption on the licensed premises.” WAC 314-02-010(15).

WAC 314-07-010 defines “building” as follows: ““Building” means a stationary structure with floor to ceiling solid walls and a roof. A food truck is not a “building.”” WAC 314-07-010(2).

## **Analysis**

Allowing the sale of beer through vending machines as described in this rule petition would likely conflict with the statutory framework for liquor licensing in RCW 66.24.010 and related statutes, as well as the requirements for liquor sales at self-checkout registers in RCW 66.24.660. The beer vending machine concept also raises public health and safety concerns.

In this rule petition, Tim Churchill requests that the agency consider adopting a new rule to allow the sale of Washington craft beer at the Spokane Airport through a secure, age-verified vending machine. Under this concept, the vending machine would be a potentially mobile structure that could be moved to “nomatic [*sic*] locations” such as “pop-up shops” and “special events.” Rule Petition, page 1. The vending machine would sell beer for off-premises consumption, separate from any other liquor licensed premises. The vending machine would not be located in an age-restricted area or have any employees monitoring it. Instead, the vending machine would use cloud-based internet technology to verify that customers are of legal age and are not intoxicated.

### *Liquor Licensing Structure*

Unlike the tobacco statutes, which specify that tobacco products may be sold through vending machines<sup>1</sup> as long as they are located fully within age-restricted premises and are not less than ten feet from all entrances and exits (RCW 70.155.030), and the cannabis statutes, which specify that cannabis products are not allowed to be sold from vending machines (RCW 69.50.390), the liquor statutes do not explicitly allow or prohibit liquor products from being sold in vending machines. However, none of the existing liquor licenses appear to encompass a retail sales model where liquor is sold for off-premises consumption from a vending machine, and the overall statutory framework for liquor licensing appears to prohibit a vending machine, on its own, from being considered eligible for a liquor license.

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<sup>1</sup> RCW 70.155.030 uses the phrase “any device that mechanically dispenses tobacco products” instead of “vending machine,” but the meaning is the same.

Under the liquor license statutes, there are many different types of retail liquor licenses available, each with different privileges and conditions.<sup>2</sup> Some licenses authorize sales of liquor for on-premises consumption (such as restaurant licenses; see, e.g., RCW 66.24.320 and 66.24.400), while other licenses authorize sales of liquor for off-premises consumption (such as specialty shop and grocery store licenses; see, e.g., RCW 66.24.371, 66.24.035, and 66.24.360). None of the existing liquor licenses created in statute appears to be appropriate for a vending machine that sells beer for off-premises consumption.<sup>3</sup>

Additionally, a vending machine is a potentially mobile structure that does not fit within the current statutory framework for liquor licensing. RCW 66.24.010, which establishes general liquor licensing requirements, states that “[f]or the purpose of considering any application for a license, or the renewal of a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises.” RCW 66.24.010(2). This language implies that a liquor licensed premises must have a building constructed upon the premises. The Board is also required to notify a city, town, or other local authority of liquor license applications at any premises located within the local authority’s boundaries (RCW 66.24.010(8)(e)), and notify churches, schools, and public institutions within 500 feet of the physical location of the premises (RCW 66.24.010(9)(a)). This language implies that a liquor licensed premises must have a fixed physical location.

Considered as a whole, the licensing requirements in RCW 66.24.010 indicate that a liquor licensed premises needs to have a building with a fixed physical location. This is consistent with the common meaning of the term “premises,” which is defined by the Merriam-Webster online dictionary as “a tract of land with the buildings thereon” or “a building or part of a building usually with its appurtenances (such as grounds).”<sup>4</sup> Vending machines are potentially mobile structures that are generally located within a building or on another premises, and are not themselves considered buildings or premises. Unlike a building or other premises, a vending machine could potentially be moved from its physical location at the time of the licensing application to another location at a later time.

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<sup>2</sup> A description of all the currently available retail liquor licenses is posted on the LCB website at <https://lcb.wa.gov/licensing/apply-liquor-license>. The [current LIQ 180](#) “Retail Liquor Licenses and Endorsement Description and Fees Information” form (last updated 12/2021) lists 25 types of retail licenses and 21 types of endorsements.

<sup>3</sup> The license type that appears to be the closest possible fit for a vending machine that sells beer for off-premises consumption would be the beer and/or wine specialty shop license created in RCW 66.24.371, which allows the sale of beer and wine in bottles, cans, and original containers for off-premises consumption. However, even this license type may not be a good fit for a vending machine because it requires licensees to maintain a minimum \$3000 wholesale inventory. See also, WAC 314-02-105.

<sup>4</sup> *Premise* (noun), Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/premise> (last visited September 6, 2022). Consistent with the statutory framework and the common meaning of the term “premises,” Board regulations define “premises” as “all areas of a premises under the legal control of the licensee and available to or used by customers and/or employees in the conduct of business operations. . . .” WAC 314-01-005(1). Board regulations further define “on-premises liquor licensed premises” as “a building in which a business is located inside that is allowed to sell alcohol for consumption on the licensed premises” (WAC 314-02-010(15)), and “building” as “a stationary structure with floor to ceiling solid walls and a roof. . . .” (WAC 314-07-010(2)).

As a result, a vending machine, on its own, does not appear to fit within the current statutory framework for liquor licensing and cannot be considered eligible for a liquor license.

### *Self-Checkout Registers, Public Health and Safety Concerns*

In addition to the liquor licensing concerns described above, allowing sales of beer through a vending machine as described in this petition raises public health and safety concerns and would likely conflict with the statutory requirements for liquor sales at self-checkout registers under RCW 66.24.660.

Current statute requires retailers to have employees verify the age of a customer even when using “self-checkout registers.” Under RCW 66.24.660, retailers are allowed to sell liquor “through self-checkout registers if that register is programmed to halt that transaction during the purchase of liquor until an employee of the retailer intervenes and verifies the age of the purchaser by reviewing established forms of acceptable identification.” RCW 66.24.660. Any type of “self-checkout” process that eliminates review of liquor sale transactions by employees of a retailer, such as the approach proposed in this petition, would appear to conflict with RCW 66.24.660.

Liquor is an age-restricted product under state law. RCW 66.44.270 prohibits any person from selling, giving, or otherwise supplying liquor to any person under the age of twenty-one. Liquor licensees are responsible for every sale of age-restricted products, and underage sales may result in criminal or other charges against the person who sold the alcohol. *Id.* See also, WAC 314-29-020. This means it is the responsibility of the liquor licensee to check a customer’s identification to verify their age before selling, serving, or allowing a person to possess or consume alcohol. See WAC 314-11-025 for a description of acceptable forms of identification. Similarly, sales of liquor to persons who are apparently under the influence of liquor are prohibited. RCW 66.44.200.

These laws and rules are designed to protect public health and safety by preventing youth access to alcohol, over service of alcohol, and related risks such as impaired driving and disorderly conduct. While using cloud-based technology to verify a customer’s age and check for intoxication during a liquor sales transaction, as proposed in this petition, could theoretically help prevent underage or intoxicated persons from accessing alcohol, it is unclear whether this technology on its own—without employees present to monitor its use—would be adequate to protect public health and safety, even if it did not conflict with the self-checkout register statute.

### *Conclusion*

None of the existing liquor licenses created in statute appear to encompass a retail sales model where liquor is sold for off-premises consumption from a vending machine, and the overall statutory framework for liquor licensing appears to prohibit a vending machine, on its own, from being considered eligible for a liquor license. Additionally, allowing sales of

beer through a vending machine as described in this petition would likely conflict with the statutory requirements for liquor sales at self-checkout registers under RCW 66.24.660.

The Board is not authorized to adopt rules that conflict with statutes. This petition request would require statutory changes which can be made by the Legislature or by voters through the initiative process, but are beyond the Board's rulemaking authority. For this reason, agency staff do not recommend initiating rulemaking as requested in this petition.

### **Recommendation**

Director's Office staff recommends that consistent with RCW 34.05.330(1)(a)(i), the Board deny Tim Churchill's rule petition request, received on August 5, 2022, for the reasons described above.

### **Board Action**

After considering the recommendation of Director's Office staff, the Board accepts/denies the petition for rulemaking received from Tim Churchill on August 5, 2022.

\_\_\_\_\_ Accept \_\_\_\_\_ Deny

\_\_\_\_\_  
David Postman, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_ Accept \_\_\_\_\_ Deny

\_\_\_\_\_  
Ollie Garrett, Board Member

\_\_\_\_\_  
Date

\_\_\_\_\_ Accept \_\_\_\_\_ Deny

\_\_\_\_\_  
Jim Vollendroff, Board Member

\_\_\_\_\_  
Date

### **Attachments**

1. Email from Tim Churchill received August 5, 2022, containing rule petition.
2. Laws and Rules cited under the "Authority" section above.

**From:** [Tim Churchill](#)  
**To:** [LCB DL Rules](#)  
**Subject:** Petition for rule change  
**Date:** Thursday, August 4, 2022 8:44:19 PM  
**Attachments:** [petition.pdf](#)

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External Email

Hello,  
Please see the attached petition for the rule change affecting my current business.  
Respectfully,  
Tim Churchill

Sent from my iPhone





## PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

### CONTACT INFORMATION *(please type or print)*

Petitioner's Name Tim Churchill  
Name of Organization Hop Hops Bottle Shop  
Mailing Address 307 W. 19th Ave.  
City Spokane State WA Zip Code 99203  
Telephone 7605865885 Email timchurchilljr@yahoo.com

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Liquor and Cannabis Board

#### ☒ 1. NEW RULE - I am requesting the agency to adopt a new rule.

- ☐ The subject (or purpose) of this rule is: To open small business channels for the WA Beer industry. To sell Washington craft beer at Spokane Airport, through a secure age-verified vending machine.
- ☒ The rule is needed because: Currently, retailers must have a brick and mortar or \$3000 of product always in order to resell beer. This prevents businesses from selling at nomatic locations: pop-up shops, special events, etc
- ☒ The new rule would affect the following people or groups: Small breweries, small businesses, tourists looking for Spokane beer individual bottle. Will be 1st machine in Washington state.



☐ **2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

☐ I am requesting the following change: \_\_\_\_\_

☐ This change is needed because: \_\_\_\_\_

☐ The effect of this rule change will be: \_\_\_\_\_

☐ The rule is not clearly or simply stated: \_\_\_\_\_

☐ **3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

☐ It does not do what it was intended to do.

☐ It is no longer needed because: \_\_\_\_\_

☐ It imposes unreasonable costs: \_\_\_\_\_

☐ The agency has no authority to make this rule: \_\_\_\_\_

☐ It is applied differently to public and private parties: \_\_\_\_\_

☐ It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: \_\_\_\_\_

☐ It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: \_\_\_\_\_

☐ Other (please explain): \_\_\_\_\_

## Regulations—Scope.

The power of the board to make regulations under chapter 34.05 RCW extends to:

(1) Prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

(2) Prescribing an official seal and official labels and stamps and determining the manner in which they must be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;

(3) Prescribing forms to be used for purposes of this title or the regulations, and the terms and conditions to be contained in permits and licenses issued under this title, and the qualifications for receiving a permit or license issued under this title, including a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;

(4) Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the regulations;

(5) Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same is kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

(6) Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

(7) Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

(8) Prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

(9) Prescribing the manner of giving and serving notices required by this title or the regulations, where not otherwise provided for in this title;

(10) Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;

(11) Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

(12) Prescribing the conditions, accommodations, and qualifications requisite for the obtaining of licenses to sell beer, wines, and spirits, and regulating the sale of beer, wines, and spirits thereunder;

(13) Specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers must deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

(14) Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

(15) Providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

(16) Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to

whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

(17) Providing for the giving of fidelity bonds by any or all of the employees of the board. However, the premiums therefor must be paid by the board;

(18) Providing for the shipment of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

(19) Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the board; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

(20) Seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board. However, nothing herein contained may be construed as authorizing the \*liquor board to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages;

(21) Monitoring and regulating the practices of license holders as necessary in order to prevent the theft and illegal trafficking of liquor pursuant to RCW 66.28.350.

[ 2014 c 63 § 2; 2012 c 2 § 204 (Initiative Measure No. 1183, approved November 8, 2011); 2002 c 119 § 2; 1977 ex.s. c 115 § 1; 1971 c 62 § 1; 1943 c 102 § 1; 1933 ex.s. c 62 § 79; RRS § 7306-79. Formerly RCW 66.08.030 and 66.08.040.]

## NOTES:

**\*Reviser's note:** The "state liquor control board" was renamed the "state liquor and cannabis board" by 2015 c 70 § 3.

**Finding—Application—Rules—Effective date—Contingent effective date—2012 c 2 (Initiative Measure No. 1183):** See notes following RCW 66.24.620.

## Licensure—Issuance—Conditions and restrictions—Limitations—Temporary licenses.

(1) Every license must be issued in the name of the applicant, and the holder thereof may not allow any other person to use the license.

(2) For the purpose of considering any application for a license, or the renewal of a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the board may consider any prior criminal conduct of the applicant including an administrative violation history record with the board and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to such cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (8) (d) and (12) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority must be adopted by rule. No retail license of any kind may be issued to:

(a) A person doing business as a sole proprietor who has not resided in the state for at least one month prior to receiving a license, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation or a limited liability company, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder must be suspended or terminated, as the case may be.

(b) The board must immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) Upon written notification by the department of revenue in accordance with RCW 82.08.155 that a person is more than thirty days delinquent in reporting or remitting spirits taxes to the department, the board must suspend all spirits licenses held by that person. The board must also refuse to renew any existing spirits license of, or issue any new spirits license to, the person or any other applicant controlled directly or indirectly by that person. The board may not reinstate a person's spirits license or renew or issue a new spirits license to that person, or an applicant controlled directly or indirectly by that person, until such time as the department of revenue notifies the board that the person is current in reporting and remitting spirits taxes or that the department consents to the reinstatement or renewal of the person's

spirits license or the issuance of a new spirits license to the person. For purposes of this section: (i) "Spirits license" means any license issued by the board under the authority of this chapter that authorizes the licensee to sell spirits; and (ii) "spirits taxes" has the same meaning as in RCW 82.08.155.

(d) The board may request the appointment of administrative law judges under chapter 34.12 RCW who must have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

(e) Witnesses are allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(f) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, must compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the board. Where the license has been suspended only, the board must return the license to the licensee at the expiration or termination of the period of suspension. The board must notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5)(a) For the original issuance of a liquor license, including the approval of a conditional license as provided in (b) of this subsection, the board must set the expiration date of the license to the last day of the calendar month that is twelve months from the calendar month in which final approval of the license is granted. Upon renewal, the expiration date of the license, including licenses approved under (b) of this subsection, may subsequently be prorated as necessary in accordance with chapter 19.02 RCW.

(b)(i) When an applicant for a liquor license is qualified for approval of the license in every way except having executed a lease or purchase agreement for the proposed licensed premises, the board must grant conditional approval to the applicant.

(ii) Upon notification to the board of execution of the lease or purchase agreement putting the applicant in control of the premises, the board must immediately grant final approval of the license issuance, and the licensee may immediately begin exercising all privileges provided under the license, except as otherwise provided under this title.

(iii) For the purposes of this title, the term "license" includes "conditional license."

(6) Every license issued under this section is subject to all conditions and restrictions imposed by this title or by rules adopted by the board. All conditions and restrictions imposed by the board in the issuance of an individual license may be listed on the face of the individual license along with the trade name, address, and expiration date. Conditions and restrictions imposed by the board may also be included in official correspondence separate from the license. All spirits licenses are subject to the condition that the spirits license holder must report and remit to the department of revenue all spirits taxes by the date due.

(7) Every licensee must post and keep posted its license, or licenses, and any additional correspondence containing conditions and restrictions imposed by the board in a conspicuous place on the premises.

(8)(a) Unless (b) of this subsection applies, before the board issues a new or renewal license to an applicant it must give notice of such application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.



(b) If the application for a special occasion license is for an event held during a county, district, or area fair as defined by RCW **15.76.120**, and the county, district, or area fair is located on property owned by the county but located within an incorporated city or town, the county legislative authority must be the entity notified by the board under (a) of this subsection. The board must send a duplicate notice to the incorporated city or town within which the fair is located.

(c) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, has the right to file with the board within twenty days after the date of transmittal of such notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewal license is asked. The board may extend the time period for submitting written objections.

(d) The written objections must include a statement of all facts upon which such objections are based, and in case written objections are filed, the city or town or county legislative authority may request and the board may in its discretion hold a hearing subject to the applicable provisions of Title **34** RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title **34** RCW. If such a hearing is held at the request of the applicant, board representatives must present and defend the board's initial decision to deny a license or renewal.

(e) Upon the granting of a license under this title the board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. When the license is for a special occasion license for an event held during a county, district, or area fair as defined by RCW **15.76.120**, and the county, district, or area fair is located on county-owned property but located within an incorporated city or town, the written notification must be sent to both the incorporated city or town and the county legislative authority.

(9)(a) Before the board issues any license to any applicant, it shall give (i) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (ii) written notice, with receipt verification, of the application to public institutions identified by the board as appropriate to receive such notice, churches, and schools within five hundred feet of the premises to be licensed. The board may not issue a liquor license for either on-premises or off-premises consumption covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the main entrance of the school to the nearest public entrance of the premises proposed for license, and if, after receipt by the school of the notice as provided in this subsection, the board receives written objection, within twenty days after receiving such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. The board may extend the time period for submitting objections. For the purpose of this section, "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. For the purpose of this section, "public institution" means institutions of higher education, parks, community centers, libraries, and transit centers.

(b) No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies.

(c) It is the intent under this subsection (9) that a retail license may not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title **28A** RCW, which school is within five hundred feet of the proposed licensee. The board must fully consider and give substantial weight to objections filed by



private schools. If a license is issued despite the proximity of a private school, the board must state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in subsection (9) of this section do not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation.

(11)(a) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or distributor license to an applicant to operate the retail or distributor premises during the period the application for the license is pending. The board may establish a fee for a temporary license by rule.

(b) A temporary license issued by the board under this section must be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for additional periods of sixty days upon payment of an additional fee and upon compliance with all conditions required in this section.

(c) Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 applies to temporary licenses.

(d) Application for a temporary license must be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application must be refunded in full.

(12) In determining whether to grant or deny a license or renewal of any license, the board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

[ 2019 c 370 § 1; 2012 c 39 § 4; 2011 c 195 § 1; 2009 c 271 § 6; 2007 c 473 § 1; 2006 c 359 § 1; 2004 c 133 § 1; 2002 c 119 § 3; 1998 c 126 § 2. Prior: 1997 c 321 § 1; 1997 c 58 § 873; 1995 c 232 § 1; 1988 c 200 § 1; 1987 c 217 § 1; 1983 c 160 § 3; 1982 c 85 § 2; 1981 1st ex.s. c 5 § 10; 1981 c 67 § 31; 1974 ex.s. c 66 § 1; 1973 1st ex.s. c 209 § 10; 1971 c 70 § 1; 1969 ex.s. c 178 § 3; 1947 c 144 § 1; 1935 c 174 § 3; 1933 ex.s. c 62 § 27; Rem. Supp. 1947 § 7306-27. Formerly RCW 66.24.010, part and 66.24.020 through 66.24.100. FORMER PART OF SECTION: 1937 c 217 § 1 (23U) now codified as RCW 66.24.025.]

## NOTES:

**Effective date—2019 c 370:** "This act takes effect January 1, 2020." [ 2019 c 370 § 2.]

**Construction—Effective date—2012 c 39:** See notes following RCW 82.08.155.

**Effective date—1998 c 126:** See note following RCW 66.20.010.

**Effective date—1997 c 321:** "This act takes effect July 1, 1998." [ **1997 c 321 § 64.**]

**Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58:** See RCW **74.08A.900** through **74.08A.904.**

**Effective dates—Intent—1997 c 58:** See notes following RCW **74.20A.320.**

**Effective date—1981 1st ex.s. c 5:** See RCW **66.98.100.**

**Effective dates—Severability—1981 c 67:** See notes following RCW **34.12.010.**

**Severability—Effective date—1973 1st ex.s. c 209:** See notes following RCW **66.20.160.**

**Effective date—1971 c 70:** "The effective date of this 1971 amendatory act is July 1, 1971." [ **1971 c 70 § 4.**]

**Beer and/or wine specialty shop license—Fee—Samples—Restricted license—Determination of public interest—Inventory.**

(1) There shall be a beer and/or wine retailer's license to be designated as a beer and/or wine specialty shop license to sell beer, strong beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, at any store other than the state liquor stores. Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. The annual fee for the beer and/or wine specialty shop license is one hundred dollars for each store. The sale of any container holding four gallons or more must comply with RCW 66.28.200 and 66.28.220.

(2) Licensees under this section may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion. Sampling activities of licensees under this section are subject to RCW 66.28.305 and 66.28.040 and the cost of sampling under this section may not be borne, directly or indirectly, by any manufacturer, importer, or distributor of liquor.

(3) Upon approval by the board, the beer and/or wine specialty shop licensee that exceeds fifty percent beer and/or wine sales may also receive an endorsement to permit the sale of beer to a purchaser in a sanitary container brought to the premises by the purchaser, or provided by the licensee or manufacturer, and fill at the tap by the licensee at the time of sale. If the beer and/or wine specialty shop licensee does not exceed fifty percent beer and/or wine sales, the board may waive the fifty percent beer and/or wine sale criteria if the beer and/or wine specialty shop maintains alcohol inventory that exceeds fifteen thousand dollars.

(4) The board shall issue a restricted beer and/or wine specialty shop license, authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of strong beer or fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell strong beer or fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing strong beer or fortified wine at the establishment; and

(c) Whether the sale of strong beer or fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of strong beer or fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of strong beer or fortified wine by the licensee would be against the public interest is on those persons objecting.

(5) Licensees holding a beer and/or wine specialty shop license must maintain a minimum three thousand dollar wholesale inventory of beer, strong beer, and/or wine.

(6) The board may adopt rules to implement this section.

(7) Any endorsement issued pursuant to this section may be issued to a qualified combination spirits, beer, and wine licensee in accordance with RCW 66.24.035.

(8)(a) A beer and/or wine specialty shop licensee that also holds a spirits retail license under RCW 66.24.630 may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW 66.24.035.

(b) An applicant that would qualify for a beer and/or wine specialty shop license under this section and a spirits retail license under RCW 66.24.630 may apply for a single license pursuant to RCW 66.24.035 instead of applying for a beer and/or wine specialty shop license under this section in addition to a spirits retail license under RCW 66.24.630.

[ **2017 c 96 § 3**. Prior: **2011 c 195 § 4**; **2011 c 119 § 204**; (2009 c 507 § 6 expired July 1, 2011); **2009 c 373 § 6**; **2003 c 167 § 9**; **1997 c 321 § 23**.]

## NOTES:

**Expiration date—2009 c 507:** See note following RCW **66.24.320**.

**Application to certain retailers—2003 c 167 §§ 8 and 9:** See note following RCW **66.24.360**.

**Effective date—2003 c 167:** See note following RCW **66.24.244**.

**Report to legislature—2003 c 167:** See note following RCW **66.24.250**.

**Effective date—1997 c 321:** See note following RCW **66.24.010**.

PDF**RCW 66.24.660****Liquor sales at self-checkout registers.**

Retailers may sell liquor as defined in RCW 66.04.010(25) through self-checkout registers if that register is programmed to halt that transaction during the purchase of liquor until an employee of the retailer intervenes and verifies the age of the purchaser by reviewing established forms of acceptable identification. Once age is successfully verified, the employee can release the transaction for payment. If the purchaser cannot provide acceptable forms of identification to verify age, the employee must refuse the purchase and void the transaction.

[ 2013 c 89 § 1.]

## Furnishing liquor to minors—Possession, use—Penalties—Exhibition of effects—Exceptions.

(1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either: (i) Is in possession of or close proximity to a container that has or recently had liquor in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (4), (5), or (7) of this section.

(3) Subsections (1) and (2)(a) of this section do not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) This section does not apply to liquor provided to students under twenty-one years of age in accordance with a special permit issued under RCW 66.20.010(12).

(7)(a) A person under the age of twenty-one years acting in good faith who seeks medical assistance for someone experiencing alcohol poisoning shall not be charged or prosecuted under subsection (2)(a) of this section, if the evidence for the charge was obtained as a result of the person seeking medical assistance.

(b) A person under the age of twenty-one years who experiences alcohol poisoning and is in need of medical assistance shall not be charged or prosecuted under subsection (2)(a) of this section, if the evidence for the charge was obtained as a result of the poisoning and need for medical assistance.

(c) The protection in this subsection shall not be grounds for suppression of evidence in other criminal charges.

(8) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.

[ 2015 c 59 § 2; 2013 c 112 § 2; 1998 c 4 § 1; 1993 c 513 § 1; 1987 c 458 § 3; 1955 c 70 § 2. Prior: 1935 c 174 § 6(1); 1933 ex.s. c 62 § 37(1); RRS § 7306-37(1); prior: Code 1881 § 939; 1877 p 205 § 5.]



**NOTES:**

**Intent—2013 c 112:** "The legislature intends to save lives by increasing timely medical attention to alcohol poisoning victims through the establishment of limited immunity from prosecution for people under the age of twenty-one years who seek medical assistance in alcohol poisoning situations. Dozens of alcohol poisonings occur each year in Washington state. Many of these incidents occur because people delay or forego seeking medical assistance for fear of arrest or police involvement, which researchers continually identify as a significant barrier to the ideal response of calling 911." [ **2013 c 112 § 1.**]

**Severability—1987 c 458:** See note following RCW **48.21.160**.

*Minors, access to tobacco, role of liquor and cannabis board: Chapter **70.155** RCW.*

[PDF](#)**RCW 66.44.200****Sales to persons apparently under the influence of liquor—Purchases or consumption by persons apparently under the influence of liquor on licensed premises—Penalty—Notice—Separation of actions.**

(1) No person shall sell any liquor to any person apparently under the influence of liquor.

(2)(a) No person who is apparently under the influence of liquor may purchase or consume liquor on any premises licensed by the board.

(b) A violation of this subsection is an infraction punishable by a fine of not more than five hundred dollars.

(c) A defendant's intoxication may not be used as a defense in an action under this subsection.

(d) Until July 1, 2000, every establishment licensed under RCW 66.24.330 or 66.24.420 shall conspicuously post in the establishment notice of the prohibition against the purchase or consumption of liquor under this subsection.

(3) An administrative action for violation of subsection (1) of this section and an infraction issued for violation of subsection (2) of this section arising out of the same incident are separate actions and the outcome of one shall not determine the outcome of the other.

[ 1998 c 259 § 1; 1933 ex.s. c 62 § 36; RRS § 7306-36.]