



Washington State Liquor and Cannabis Board

Topic: Petition for Adoption, Amendment, or Repeal of a State Administrative Rule – Restaurant Wine Storage Lockers

Date: April 12, 2023

Presented by: Jeff Kildahl, Policy and Rules Coordinator

Background

On February 23, 2023, Rachel Escalle of NGMA Group submitted a petition for adoption, amendment, or repeal of a state administrative rule. The petition requests that the agency adopt a new rule section to allow restaurants to have wine lockers so that customers can keep wine stored at the licensed premises.

In the rule petition, Rachel Escalle stated:

- 1. NEW RULE - I am requesting the agency to adopt a new rule.
- The subject (or purpose) of this rule is: Allow restaurants to have wine lockers that customers can keep wine stored
This gives restaurants another avenue to increase business. The restaurant industry is a low profit margin business. This would increase a restaurants ability to offset that hardship & help grow
- The rule is needed because: local work forces & economies. Service would be unaffected & liquor laws would still be followed.
- The new rule would affect the following people or groups: Restaurant owners and the clientelle that want to hold their wine at the restaurant.

In an attached letter submitted with the email containing the rule petition, Kwok Yang “Jack” Ng of NGMA Group further stated:

First, this would have no effect on current liquor laws. The wine lockers would merely be means of storage for us to offer our customers. Our servers would still be responsible for serving and monitoring the service of all patrons in our establishment. If a customer wished to drink a bottle of wine that they have stored with us, our MAST certified staff would take out that bottle, open the bottle and serve the bottle just like any other bottle of wine that we offer in our establishment. Our servers would also monitor the customers and follow liquor laws by preventing overservice and properly checking identification of all guests at the table. It is virtually the same service as if someone brought in a bottle of wine and paid a corkage fee to be able to drink it with their meal under existing liquor laws.

Second, this would benefit local restaurants in Washington state. This model has proven to increase loyalty in customers. They get advantages for “buying” a locker- discounts on wine, opportunities to purchase off-menu wines, and invites to exclusive events. In return, this is another revenue source for restaurateurs. They have a new avenue of profits through wine sales and the loyalty from these customers ensures reliable return business. The restaurant business is notoriously a low profit margin business, so giving local restaurant businesses another way to increase revenue is beneficial to not only the restaurant business, but also the local community in a time that most communities are just starting to recover after COVID. The restaurant is then able to stay in business, hire more employees, and cycle that success back into the economy.

Third, there are other establishments that already successfully do this model all over the country, including over a dozen fine dining restaurants in Washington State. Some examples of restaurants that have successfully adopted this business practice are Morton's The Steakhouse in Chicago, IL and The Capital Grille in Boston, MA. Both businesses have seen incredible success in their programs with continued return business and both businesses have continued to offer this program for numerous years (at the very least, since 2016)- suggesting that there have been no issues stemming from these programs to the concern of their local Liquor Control Boards.

To conclude, I would like to emphasize a few things. We would not allow hard liquor to be stored. No service would change with these lockers. All liquor laws would be strictly followed, the same as any other wine service. We believe this would be a benefit to many restaurants here in Washington state.

Issue

Whether the Board should initiate the rulemaking process to consider creating a new rule section in Title 314 WAC allowing restaurant licensees to store bottled wine owned by individual patrons in secure lockers on the restaurant premises for later on-premises consumption.

Authority

Laws

RCW 66.24.320 establishes the beer and/or wine restaurant license allowing a licensee to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises.

RCW 66.24.354 provides a combined license, available to tavern and restaurant licensees, to sell beer and wine for consumption of the premises.

RCW 66.24.400 permits the restaurant to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only, and provides that the Board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell bottled wine for off-premises consumption.

Rules

WAC 314-11-065(1)(b) permits restaurant licensees to allow patrons to bring wine into the premises for consumption with a meal.

WAC 314-11-065(2)(b) provides that any personal wine bought on the licensed premises may also be recorked and removed by the patron.

Analysis

In this rulemaking petition and an attached letter, the petitioner requests a new rule to permit restaurants to offer wine storage locker services for bottled wine owned by patrons on the licensed restaurant premises. A wine storage locker would function to securely store wine already purchased by restaurant patrons and held for future on-premises consumption. The petitioner indicates in earlier communications with the Enforcement and Education Division that the intent of the request is to offer the storage service only for privately owned wine that was originally purchased from the restaurant licensee. The petition and attached letter specify that wine locker storage would be for wine only and that the privately owned stored wine could only be served by MAST certified restaurant employees following regular wine service practices.

Regarding restaurant licensees that sell wine, the Board has statutory authority under RCW 66.24.320 to issue the wine restaurant license. This license allows a restaurant licensee to sell wine at retail for consumption on the restaurant premises, usually with a meal. Also related to wine sales, RCW 66.24.400(2) creates a separate license endorsement that allows restaurant licensees to sell bottled wine to their patrons for later off-premises consumption. Under these two scenarios, wine sold by a restaurant licensee is either sold for immediate consumption with a meal, or in the case of a restaurant licensee with the endorsement, may also be sold to patrons for consumption away from the premises. In reviewing RCW 66.24.320 and RCW 66.24.400(2), neither clearly allow a restaurant licensee to offer a wine locker storage service to their patrons for long-term storage of privately owned wine, nor do they directly prohibit a restaurant licensee from offering a wine locker service. Additionally, neither RCW 66.24.400 nor WAC 314-11-065 specifically restrict the length of time that wine may be held on the restaurant licensee's premises before it is consumed or removed.

As a contrast to the permitted activities for restaurant licensees, retail off-premises licensees that sell wine such as grocery stores are permitted to sell wine under RCW 66.24.630(1) for off-premises consumption only, with minor exceptions. However, retail off-premises licensees are also permitted to accept remote orders for wine by telephone or internet for later pick up. With these orders, there is no apparent time limit placed on how long the licensee is permitted to store wine for the buyer once it has been purchased. Retail licensees are required under RCW 66.24.630(3)(a) to store the product securely but are not clearly required to separate the customer-owned product from products still owned by the licensee.

Current statute is silent on whether wine lockers are allowed on a licensed premises either by endorsement or other type of permit. For that reason, is it possible that Board could address wine lockers through rule. However, there is a possibility that the rule would be challenged based on lack of explicit statutory authority. Alternatively, the Board could consider possible rulemaking to limit restaurant licensees from offering wine locker services. Wine storage lockers would not be subject to requirements for wine warehouses contained in RCW 66.24.185(4) because those requirements for wine storage do not apply to retail licenses.

Background

Wine lockers in restaurants are promoted by restaurateurs as a service to build customer loyalty and satisfaction in the restaurant industry. By allowing patrons to buy or rent locker space, wine lockers make it possible for wine owned by patrons to be held on the licensed premises in storage for future consumption with a meal.

Prior to submission of this petition, Mr. Ng of NGMA Group contacted the agency and expressed his plans to install private wine lockers in two of his new restaurants. Staff were not immediately familiar with a wine locker service being offered by any retail licensees in Washington, and explored the issue further. Mr. Ng offered that several restaurants in Washington already offer a wine locker service to patrons, and he provided additional information about these licensees.

Divisional, Interagency, Intergovernmental, DEIB, Social Equity and Other Impacts

Divisional

Licensing

Private wine lockers are not currently allowed on liquor licensed premises. While some licensed retailers, are allowed to recork wine that was purchased with a meal, and some are authorized by WAC 314-11-065 to allow the customer to bring their own wine to the premises for consumption with their meal, it is not allowed for a licensee to store the customers wine.

Enforcement & Education

While Enforcement and Education identifies very little risk to public safety to this activity as proposed by the petitioner, it is important to ensure that there are regulatory safeguards for any licensee proposing to conduct wine storage. Such safeguards could authorize an On-Premises Wine Storage Locker endorsement. These safeguards might include following:

- Only the licensee or their employee solely hold the key so that when products are pulled out, there is a responsible party to “deliver” the product to the customer. While the petitioner proposes this safeguard, we foresee an unstaffed locker as a risk. For example, business selling a case of wine and placing the product in a locker where there was no intervening staff contact such as in a foyer or hotel/casino lobby. There would be risk of access by minors, intoxicated persons, and potential access between the hours of 2:00 a.m. and 6:00 a.m.
- The activity would be for wine only. No spirits could be stored.
- The endorsement could be revoked if problems arise.
- The licensee would be accountable for related violations.

- Consideration of whether product quantity discounts could be offered.

Finance

The requested rule would have minimal impact on Finance.

Information Technology/Infrastructure

The requested rule would have minimal impact on Information Technology/Infrastructure.

Public Health/Prevention

From the perspective of Public Health and Prevention, these parameters should be considered:

- What extra benefits would be offered to those who purchase a locker? There should be consideration of what can be offered after looking at potential benefits and harms.
- Not putting a limit on how long wine can be stored so as not to encourage overconsumption on site. While servers should ensure that overservice doesn't occur, it may be more difficult to prevent someone from consuming their owned wine.

Interagency

Department of Health

The requested rule revision would not impact Department of Health operations, rules, or standards.

Labor & Industries

The requested rule revision would not impact Department of Labor & Industries operations, rules, or standards.

Intergovernmental

Tribes

The requested rule revision would not have a recognized impact on Tribes.

DEIB, Social Equity

There is significant DEIB and social equity impact surrounding wine lockers. The request to allow wine a locker storage service could be seen as an expansion of liquor rule privileges to benefit only the restaurant patrons who have the financial means to expand

their options for wine consumption in licensed restaurant. Restaurant licensees are already currently permitted in WAC 314-11-065(1)(b) to allow their patrons to bring bottled wine they already own with them to the restaurant, but this privilege most likely benefits only a small percentage of overall restaurant customers.

Options

Option 1: Deny petition to create a new rule and take no action.

- Risks: This approach could create ambiguity around industry practices if a restaurant licensee offers a wine locker storage service without a corresponding rule or license endorsement.
- Benefits: Maintaining the current approach with no other action would maintain consistency and continuity with established practices for licensees regarding wine lockers.

Option 2: Deny petition to create a new rule and take other action through another approach.

- Risks: A risk to denying the petition and taking other action could be that policy guidance alone might not be sufficient to address issues surrounding this practice.
- Benefit: A benefit to taking other action could be that new or updated guidance for licensees designed to clarify current practices around wine lockers would promote consistent practices in the industry.

Option 3: Accept the petition and agree to initiate rulemaking process as rule making schedule permits.

- Risk: There is always the possibility that if accepted, a rule petition may not ultimately become rule. A possible risk that must be addressed would be that a new rule must maintain the right of the agency to inspect the premises anywhere liquor is stored, including rented lockers if they were in use. An additional risk is that the rule may benefit a small number of licensees, rather than providing a state-wide benefit.
- Benefit: This option could result in new rules which could benefit the industry and address and clarify regulation of the industry.

Board Action

After considering the various options identified by Director's Office staff, the Board accepts/denies the petition for rulemaking received from Rachel Escalle on February 23, 2023.

_____ Accept _____ Deny

David Postman, Chair

Date

_____ Accept _____ Deny

Ollie Garrett, Board Member

Date

_____ Accept _____ Deny

Jim Vollendroff, Board Member

Date

Attachments

1. Email from Rachel Escalle received February 23, 2023, containing rule petition.
2. Laws and Rules cited under the "Authority" section above.

From: [Hoffman, Katherine \(LCB\)](#)
To: [Postman, David \(LCB\)](#); [Garrett, Ollie A \(LCB\)](#); [Vollendroff, Jim \(LCB\)](#); [Garza, Rick J \(LCB\)](#)
Cc: [Hood, Toni \(LCB\)](#); [Dickson, Dustin P \(LCB\)](#); [Smith, Rebecca \(LCB\)](#); [McShane, Jeanne \(LCB\)](#); [Bamba, Kaitlin \(LCB\)](#); [Wax, Chandra \(LCB\)](#); [Rupke, Ronald \(LCB\)](#); [Reinke, Lisa A \(LCB\)](#); [Smith, Brian E \(LCB\)](#); [Webster, Marc \(LCB\)](#); [Weatherly, Jim \(LCB\)](#); [Nordhorn, Justin T \(LCB\)](#); [West, Cassidy \(LCB\)](#); [Jacobs, Daniel \(LCB\)](#); [Kildahl, Jeff \(LCB\)](#); [Segawa, Mary \(LCB\)](#); [Pitel, Jonathan E. \(ATG\)](#); [Padilla-Huddleston, Dionne \(ATG\)](#)
Subject: FW: Wine Locker Petition
Date: Thursday, February 23, 2023 3:19:18 PM
Attachments: [Petition Wine Lockers Additional Page Signed.pdf](#)
[Petition Wine Lockers.pdf](#)
[Petition Wine Lockers Additional Page.pdf](#)

Good afternoon,

The attached rule petition from the Rachelle Escalle of the NGMA Group was received today, March 23, 2023. Consistent with [RCW 34.05.330](#) and [WAC 82-05-040](#), the Board has 60 days after submission of a rulemaking petition to either:

(a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the petitioner, and, where appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or

(b) initiate rule-making proceedings in accordance with [RCW 34.05.320](#).

The Board will have until **Monday, April 23, 2023**, to take action as detailed above. The Policy & Rules coordinator assigned to this project will reach out to gather feedback and begin developing a response to this petition in the coming weeks.

Please let me know if you have any questions, suggestions, or concerns.

Thank you,

Kathy Hoffman, PhD, MPA

Policy and Rules Manager

Director's Office

Washington State Liquor & Cannabis Board

katherine.hoffman@lcb.wa.gov

PO Box 43100 Olympia WA 98504-3076

(360) 664-1622 Desk | (360) 764-0608 Mobile

From: Hoffman, Katherine (LCB) <katherine.hoffman@lcb.wa.gov>
Sent: Thursday, February 23, 2023 2:54 PM
To: Rachel Escalle <rachel@ngmagroup.com>
Cc: Jack Ng <jack@ngmagroup.com>; LCB DL Rules <rules@lcb.wa.gov>
Subject: RE: Wine Locker Petition

Good afternoon, Ms. Escalle,

Thank you for your petition to adopt, amend, or repeal state administrative rules.

Your petition was received today, Thursday, March 23, 2023. Consistent with [RCW 34.05.330](#) and [WAC 82-05-040](#), the Board has 60 days after submission of a rulemaking petition to either:

(a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the petitioner, and, where appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or

(b) initiate rule-making proceedings in accordance with [RCW 34.05.320](#).

The Board will have until **Monday, April 23, 2023**, to take action as detailed above.

In the coming days, I will assign your petition to one of our Policy & Rules staff to prepare a response. Staff will be in contact with you if any follow up is needed.

In the meantime, please let me know if you have any questions or concerns.

Sincerely,

Kathy Hoffman, PhD, MPA

Policy and Rules Manager

Director's Office

Washington State Liquor & Cannabis Board

katherine.hoffman@lcb.wa.gov

PO Box 43100 Olympia WA 98504-3076

(360) 664-1622 Desk | (360) 764-0608 Mobile

From: Rachel Escalle <rachel@ngmagroup.com>

Sent: Thursday, February 23, 2023 1:29 PM

To: Hoffman, Katherine (LCB) <katherine.hoffman@lcb.wa.gov>

Cc: Jack Ng <jack@ngmagroup.com>

Subject: Wine Locker Petition

External Email

Hi Katherine,

I have attached our petition for rule change to allow restaurants to have wine lockers. I have also attached a signed letter with additional justification and that same letter with no signature that is a bit easier to read.

Jack Ng, the CEO of NGMA group, is CCed on this email.

Thank you for taking the time to look over this and we appreciate your consideration for the businesses in Washington. Please let me know if you have any questions or need any additional information.

Best,

Rachel Escalle

Vice President of Operations

NGMA Group

[China City Restaurant & Lounge](#)

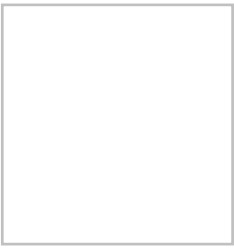
[Fisherman Jack's](#) | [The Muse Whiskey & Coffee](#)

■ [\(360\)821-8048](tel:(360)821-8048)

■ rachel@ngmagroup.com

■ www.ngmagroup.com

■ 1804 Scott Rd. Freeland, WA 98249





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 Kwok Yang Ng

Name of Organization The Muse Whiskey & Coffee, Fisherman Jack's and China City Restaurants

Mailing Address 1804 Scott Rd.

City Freeland State WA Zip Code 98249

Telephone (360)661-0654 Email jack@ngmagroup.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 Control Board

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

The subject (or purpose) of this rule is: Allow restaurants to have wine lockers that customers can keep wine stored

This gives restaurants another avenue to increase business. The restaurant industry is a low profit margin business. This would increase a restaurants ability to offset that hardship & help grow

The rule is needed because: local work forces & economies. Service would be unaffected & liquor laws would still be followed.

The new rule would affect the following people or groups: Restaurant owners and the clientelle that want to hold their wine at the restaurant.

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): _____

Additional Page for
PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

February 16, 2023

To Whom It May Concern,

My name is Kwok Yang “Jack” Ng. I own 3 restaurants in Island and Snohomish Counties. We are opening two additional restaurants at the Port of Everett this spring 2023.

I am writing to further support our request for our Rule Adoption of Wine Lockers.

First, this would have no effect on current liquor laws. The wine lockers would merely be means of storage for us to offer our customers. Our servers would still be responsible for serving and monitoring the service of all patrons in our establishment. If a customer wished to drink a bottle of wine that they have stored with us, our MAST certified staff would take out that bottle, open the bottle and serve the bottle just like any other bottle of wine that we offer in our establishment. Our servers would also monitor the customers and follow liquor laws by preventing overservice and properly checking identification of all guests at the table. It is virtually the same service as if someone brought in a bottle of wine and paid a corkage fee to be able to drink it with their meal under existing liquor laws.

Second, this would benefit local restaurants in Washington state. This model has proven to increase loyalty in customers. They get advantages for “buying” a locker- discounts on wine, opportunities to purchase off-menu wines, and invites to exclusive events. In return, this is another revenue source for restaurateurs. They have a new avenue of profits through wine sales and the loyalty from these customers ensures reliable return business. The restaurant business is notoriously a low profit margin business, so giving local restaurant businesses another way to increase revenue is beneficial to not only the restaurant business, but also the local community in a time that most communities are just starting to recover after COVID. The restaurant is then able to stay in business, hire more employees, and cycle that success back into the economy.

Third, there are other establishments that already successfully do this model all over the country, including over a dozen fine dining restaurants in Washington State. Some examples of restaurants that have successfully adopted this business practice are Morton’s The Steakhouse in Chicago, IL and The Capital Grille in Boston, MA. Both businesses have seen incredible success in their programs with continued return business and both businesses have continued to offer this program for numerous years (at the very least, since 2016)- suggesting that there have been no issues stemming from these programs to the concern of their local Liquor Control Boards.

To conclude, I would like to emphasize a few things. We would not allow hard liquor to be stored. No service would change with these lockers. All liquor laws would be strictly followed, the same as any other wine service. We believe this would be a benefit to many restaurants here in Washington state.

Thank you for taking the time to read this letter and to consider our petition.

Sincerely,

Kwok Yang Ng

NGMA Group

China City Restaurants | Fisherman Jack’s

The Muse Whiskey & Coffee

(360)661-0654 | jack@ngmagroup.com

Additional Page for
PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

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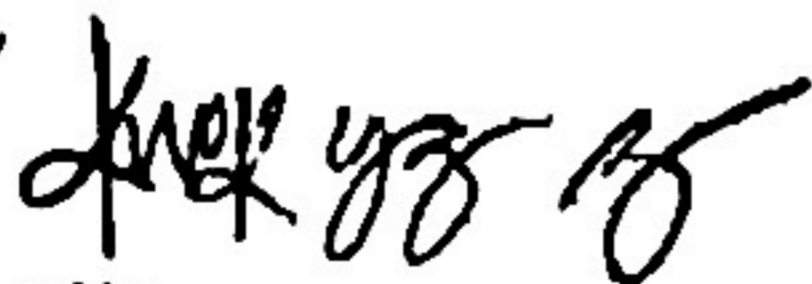
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Thank you for taking the time to read this letter and to consider our petition.

Sincerely,



Kwok Yang Ng

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The Muse Whiskey & Coffee
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PDF RCW 66.24.185**Bonded wine warehouse storage license—Qualifications and requirements—Fee.**

(1) There shall be a license for bonded wine warehouses which shall authorize the storage and handling of bottled wine. Under this license a licensee may maintain a warehouse for the storage of wine off the premises of a winery.

(2) The board shall adopt similar qualifications for a bonded wine warehouse license as required for obtaining a domestic winery license as specified in RCW 66.24.010 and 66.24.170. A licensee must be a sole proprietor, a partnership, a limited liability company, or a corporation. One or more domestic wineries may operate as a partnership, corporation, business co-op, or agricultural co-op for the purposes of obtaining a bonded wine warehouse license.

(3) All bottled wine shipped to a bonded wine warehouse from a winery or another bonded wine warehouse shall remain under bond and no tax imposed under RCW 66.24.210 shall be due, unless the wine is removed from bond and shipped to a licensed Washington wine distributor. Wine may be removed from a bonded wine warehouse only for the purpose of being (a) exported from the state, (b) shipped to a licensed Washington wine distributor, (c) returned to a winery or bonded wine warehouse, or [(d)] shipped to a consumer pursuant to RCW 66.20.360 through 66.20.390.

(4) Warehousing of wine by any person other than (a) a licensed domestic winery or a bonded wine warehouse licensed under the provisions of this section, (b) a licensed Washington wine distributor, (c) a licensed Washington wine importer, (d) a wine certificate of approval holder (W7), or (e) the *liquor control board, is prohibited.

(5) A license applicant shall hold a federal permit for a bonded wine cellar and may be required to post a continuing wine tax bond of such an amount and in such a form as may be required by the board prior to the issuance of a bonded wine warehouse license. The fee for this license shall be one hundred dollars per annum.

(6) The board shall adopt rules requiring a bonded wine warehouse to be physically secure, zoned for the intended use and physically separated from any other use.

(7) Every licensee shall submit to the board a monthly report of movement of bottled wines to and from a bonded wine warehouse in a form prescribed by the board. The board may adopt other necessary procedures by which bonded wine warehouses are licensed and regulated.

(8) Handling of bottled wine, as provided for in this section, includes packaging and repackaging services; bottle labeling services; creating baskets or variety packs that may or may not include nonwine products; and picking, packing, and shipping wine orders direct to consumer. A winery contracting with a bonded wine warehouse for handling bottled wine must comply with all applicable state and federal laws and shall be responsible for financial transactions in direct to consumer shipping activities.

[2008 c 41 § 4; 1999 c 281 § 4; 1997 c 321 § 4; 1984 c 19 § 1.]

NOTES:

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

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

PDF

RCW 66.24.320**Beer and/or wine restaurant license—Containers—Fee—Caterer's endorsement.
(Effective until December 31, 2023.)**

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine or sake that was purchased for consumption with a meal.

(1)(a) The annual fee shall be \$100 for the beer license, \$100 for the wine license, or \$200 for a combination beer and wine license.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waivers in (b) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW **43.06.220**.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in subsection (3) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW **66.24.375**. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW **66.24.375** is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(3) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store

liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or the passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

(4) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The beer and/or wine licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the beer and/or wine licensee.

(5) If the license is issued to a person who contracts with the Washington state ferry system to provide food and alcohol service on a designated ferry route, the license shall cover any vessel assigned to the designated route. A separate license is required for each designated ferry route.

[**2022 c 116 § 12**; **2021 c 6 § 6**; **2019 c 169 § 2**; **2007 c 370 § 9**; (2009 c 507 § 1 expired July 1, 2011). Prior: **2006 c 362 § 1**; **2006 c 101 § 2**; **2005 c 152 § 1**; **2004 c 62 § 2**; prior: **2003 c 345 § 1**; **2003 c 167 § 6**; **1998 c 126 § 4**; **1997 c 321 § 18**; **1995 c 232 § 6**; **1991 c 42 § 1**; **1987 c 458 § 11**; **1981 1st ex.s. c 5 § 37**; **1977 ex.s. c 9 § 1**; **1969 c 117 § 1**; **1967 ex.s. c 75 § 2**; **1941 c 220 § 1**; **1937 c 217 § 1** (23M) (adding new section 23-M to 1933 ex.s. c 62); Rem. Supp. 1941 § 7306-23M.]

NOTES:

Expiration date—2022 c 116 §§ 2-20: See note following RCW **66.24.420**.

Effective date—Finding—Intent—2022 c 116: See notes following RCW **66.24.420**.

Effective date—2021 c 6: See note following RCW **66.24.140**.

Expiration date—2009 c 507: "This act expires July 1, 2011." [**2009 c 507 § 15**.]

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

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

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

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

Effective date—1967 ex.s. c 75: See note following RCW **66.08.180**.

 **RCW 66.24.320**

Beer and/or wine restaurant license—Containers—Fee—Caterer's endorsement. (Effective December 31, 2023.)

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine or sake that was purchased for consumption with a meal.

(1)(a) The annual fee shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license.

(b) The annual fees in (a) of this subsection are waived during the 12-month period beginning with the second calendar month after February 28, 2021, for:

(i) Licenses that expire during the 12-month waiver period under this subsection (1)(b); and

(ii) Licenses issued to persons previously licensed under this section at any time during the 12-month period prior to the 12-month waiver period under this subsection (1)(b).

(c) The waivers in (b) of this subsection do not apply to any licensee that:

(i) Had their license suspended by the board for health and safety violations of state COVID-19 guidelines; or

(ii) Received an order of immediate restraint or citation from the department of labor and industries for allowing an employee to perform work where business activity was prohibited in violation of an emergency proclamation of the governor under RCW **43.06.220**.

(d) Upon request of the department of revenue, the board and the department of labor and industries must both provide a list of persons that they have determined to be ineligible for a fee waiver under (b) of this subsection for the reasons described in (c) of this subsection. Unless otherwise agreed, any list must be received by the department of revenue no later than 15 calendar days after the request is made.

(2)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in subsection (3) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW **66.24.375**. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW **66.24.375** is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(3) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or the passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcoholic beverages to

be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

(4) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The beer and/or wine licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the beer and/or wine licensee.

(5) If the license is issued to a person who contracts with the Washington state ferry system to provide food and alcohol service on a designated ferry route, the license shall cover any vessel assigned to the designated route. A separate license is required for each designated ferry route.

[**2021 c 6 § 6**; **2019 c 169 § 2**; **2007 c 370 § 9**; (2009 c 507 § 1 expired July 1, 2011). Prior: **2006 c 362 § 1**; **2006 c 101 § 2**; **2005 c 152 § 1**; **2004 c 62 § 2**; prior: **2003 c 345 § 1**; **2003 c 167 § 6**; **1998 c 126 § 4**; **1997 c 321 § 18**; **1995 c 232 § 6**; **1991 c 42 § 1**; **1987 c 458 § 11**; **1981 1st ex.s. c 5 § 37**; **1977 ex.s. c 9 § 1**; **1969 c 117 § 1**; **1967 ex.s. c 75 § 2**; **1941 c 220 § 1**; **1937 c 217 § 1 (23M)** (adding new section 23-M to 1933 ex.s. c 62); Rem. Supp. 1941 § 7306-23M.]

NOTES:

Effective date—2021 c 6: See note following RCW **66.24.140**.

Expiration date—2009 c 507: "This act expires July 1, 2011." [**2009 c 507 § 15**.]

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

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

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

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

Effective date—1967 ex.s. c 75: See note following RCW **66.08.180**.

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RCW 66.24.354**Combined license—Sale of beer and wine for consumption on and off premises—Conditions—Fee.**

There shall be a beer and wine retailer's license that may be combined only with the on-premises licenses described in either RCW [66.24.320](#) or [66.24.330](#). The combined license permits the sale of beer and wine for consumption off the premises.

(1) Beer and wine sold for consumption off the premises must be in original sealed packages of the manufacturer or bottler.

(2) Beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale.

(3) Licensees holding this type of license also may sell malt liquor in kegs or other containers that are capable of holding four gallons or more of liquid and are registered in accordance with RCW [66.28.200](#).

(4) The board may impose conditions upon the issuance of this license to best protect and preserve the health, safety, and welfare of the public.

(5) The annual fee for this license shall be one hundred twenty dollars.

[[1997 c 321 § 21](#); (2009 c 507 § 4 expired July 1, 2011).]

NOTES:

Expiration date—2009 c 507: See note following RCW [66.24.320](#).

Effective date—1997 c 321: See note following RCW [66.24.010](#).

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RCW 66.24.400**Liquor by the drink, spirits, beer, and wine restaurant license—Liquor by the bottle for hotel or club guests—Soju endorsement—Removing unconsumed liquor, when.**

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. A club licensed under chapter **70.62** RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the club for consumption in guest rooms, hospitality rooms, or at banquets in the club. A patron of a bona fide restaurant or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine or sake which was purchased for consumption with a meal, and registered guests who have purchased liquor from the club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell bottled wine for off-premises consumption. Spirits and beer may not be sold for off-premises consumption under this section except as provided in subsection (4) of this section. The annual fee for the endorsement under this subsection is one hundred twenty dollars.

(3) The holder of a spirits, beer, and wine license or its manager may furnish beer, wine, or spirituous liquor to the licensee's employees free of charge as may be required for use in connection with instruction on beer, wine, or spirituous liquor. The instruction may include the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, and spirituous liquor. The spirits, beer, and wine restaurant licensee must use the beer, wine, or spirituous liquor it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the spirits, beer, and wine restaurant licensee.

(4) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption malt liquor in kegs or other containers that are capable of holding four gallons or more of liquid and are registered in accordance with RCW **66.28.200**. Beer may also be sold under the endorsement to a purchaser 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. The annual fee for the endorsement under this subsection is one hundred twenty dollars.

(5)(a) The board shall create a soju endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to serve soju for on-premises consumption by the bottle to tables of two or more patrons twenty-one years of age or older. Cost of the endorsement is fifty dollars.

(b) The holder of a soju endorsement may serve soju in bottles that are three hundred seventy-five milliliters or less. Empty bottles of soju must remain on the patron's table until the patron has left the premises of the licensee.

(c) The patron of a holder of a soju endorsement may remove from the premises recapped in its original container any unused portion of soju that was purchased for consumption with a meal.

(d) The board must develop additional responsible sale and service of soju training curriculum related to the provisions of the soju endorsement under this subsection (5) that includes but is not limited to certification procedures and enforcement policies. This information must be provided in both Korean and English languages to licensees holding the soju endorsement. Soju endorsement holders must ensure servers providing soju to patrons are trained in the soju curriculum developed under this subsection (5).

[**2019 c 169 § 3**; **2019 c 61 § 2**; **2011 c 119 § 401**; (2009 c 507 § 8 expired July 1, 2011); **2008 c 41 § 10**. Prior: **2007 c 370 § 13**; **2007 c 53 § 1**; **2005 c 152 § 2**; **2001 c 199 § 4**; **1998 c 126 § 5**; **1997 c 321 § 26**; **1987 c 196 § 1**; **1986 c 208 § 1**; **1981 c 94 § 2**; **1977 ex.s. c 9 § 4**; **1971 ex.s. c 208 § 1**; **1949 c 5 § 1** (adding new section 23-S-1 to 1933 ex.s. c 62); Rem. Supp. 1949 § 7306-23S-1.]

NOTES:

Reviser's note: This section was amended by 2019 c 61 § 2 and by 2019 c 169 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW **1.12.025(2)**. For rule of construction, see RCW **1.12.025(1)**.

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

Effective date—2008 c 41 §§ 3, 10, and 11: See note following RCW **66.20.310**.

Effective date—2007 c 370 §§ 10-20: See note following RCW **66.04.010**.

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

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

Effective date—1986 c 208: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of state government and its existing public institutions, and shall take effect on May 1, 1986." [**1986 c 208 § 2**.]

PDF RCW 66.24.630**Spirits retail license.**

(1) There is a spirits retail license to: Sell spirits in original containers to consumers for consumption off the licensed premises and to permit holders; sell spirits in original containers to retailers licensed to sell spirits for consumption on the premises, for resale at their licensed premises according to the terms of their licenses, although no single sale may exceed twenty-four liters, unless the sale is by a licensee that was a contract liquor store manager of a contract liquor store at the location of its spirits retail licensed premises from which it makes such sales; and export spirits.

(2) For the purposes of this title, a spirits retail license is a retail license, and a sale by a spirits retailer is a retail sale only if not for resale. Nothing in this title authorizes sales by on-sale licensees to other retail licensees. The board must establish by rule an obligation of on-sale spirits retailers to:

(a) Maintain a schedule by stock-keeping unit of all their purchases of spirits from spirits retail licensees, including combination spirits, beer, and wine licensees holding a license issued pursuant to RCW 66.24.035, indicating the identity of the seller and the quantities purchased; and

(b) Provide, not more frequently than quarterly, a report for each scheduled item containing the identity of the purchasing on-premises licensee and the quantities of that scheduled item purchased since any preceding report to:

(i) A distributor authorized by the distiller to distribute a scheduled item in the on-sale licensee's geographic area; or

(ii) A distiller acting as distributor of the scheduled item in the area.

(3)(a) Except as otherwise provided in (c) of this subsection, the board may issue spirits retail licenses only for premises comprising at least ten thousand square feet of fully enclosed retail space within a single structure, including storerooms and other interior auxiliary areas but excluding covered or fenced exterior areas, whether or not attached to the structure, and only to applicants that the board determines will maintain systems for inventory management, employee training, employee supervision, and physical security of the product substantially as effective as those of stores currently operated by the board with respect to preventing sales to or pilferage by underage or inebriated persons.

(b) License issuances and renewals are subject to RCW 66.24.010 and the regulations adopted thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing grocery premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits retail licenses.

(c) The board may not deny a spirits retail license to an otherwise qualified contract liquor store at its contract location or to the holder of former state liquor store operating rights sold at auction under RCW 66.24.620 on the grounds of location, nature, or size of the premises to be licensed. The board may not deny a spirits retail license to applicants that are not contract liquor stores or operating rights holders on the grounds of the size of the premises to be licensed, if such applicant is otherwise qualified and the board determines that:

(i) There is no spirits retail license holder in the trade area that the applicant proposes to serve;

(ii) The applicant meets, or upon licensure will meet, the operational requirements established by the board by rule; and

(iii) The licensee has not committed more than one public safety violation within the three years preceding application.

(d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and

distribute nonliquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section:

- (i) To other retailer premises licensed to sell spirits for consumption on the licensed premises;
- (ii) To other registered facilities; or
- (iii) To lawful purchasers outside the state. The facilities may be registered and utilized by

associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.

(e) For purposes of negotiating volume discounts, a group of individual retailers authorized to sell spirits for consumption off the licensed premises may accept delivery of spirits at their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board.

(4)(a) Except as otherwise provided in RCW **66.24.632**, section 2, chapter 48, Laws of 2021, or in (b) of this subsection, each spirits retail licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee equivalent to seventeen percent of all spirits sales revenues under the license, exclusive of taxes collected by the licensee and of sales of items on which a license fee payable under this section has otherwise been incurred. The board must establish rules setting forth the timing of such payments and reporting of sales dollar volume by the licensee, with payments required quarterly in arrears. The first payment is due October 1, 2012.

(b) This subsection (4) does not apply to craft distilleries for sales of spirits of the craft distillery's own production.

(5) In addition to the payment required under subsection (4) of this section, each licensee must pay an annual license renewal fee of one hundred sixty-six dollars. The board must periodically review and adjust the renewal fee as may be required to maintain it as comparable to annual license renewal fees for licenses to sell beer and wine not for consumption on the licensed premises. If required by law at the time, any increase of the annual renewal fee becomes effective only upon ratification by the legislature.

(6) As a condition to receiving and renewing a spirits retail license the licensee must provide training as prescribed by the board by rule for individuals who sell spirits or who manage others who sell spirits regarding compliance with laws and regulations regarding sale of spirits, including without limitation the prohibitions against sale of spirits to individuals who are underage or visibly intoxicated. The training must be provided before the individual first engages in the sale of spirits and must be renewed at least every five years. The licensee must maintain records documenting the nature and frequency of the training provided. An employee training program is presumptively sufficient if it incorporates a "responsible vendor program" adopted by the board.

(7) The maximum penalties prescribed by the board in WAC 314-29-020 through 314-29-040 relating to fines and suspensions are doubled for violations relating to the sale of spirits by spirits retail licensees.

(8)(a) The board must adopt regulations concerning the adoption and administration of a compliance training program for spirits retail licensees, to be known as a "responsible vendor program," to reduce underage drinking, encourage licensees to adopt specific best practices to prevent sales to minors, and provide licensees with an incentive to give their employees ongoing training in responsible alcohol sales and service.

(b) Licensees who join the responsible vendor program under this section and maintain all of the program's requirements are not subject to the doubling of penalties provided in this section for a single violation in any period of twelve calendar months.

(c) The responsible vendor program must be free, voluntary, and self-monitoring.

(d) To participate in the responsible vendor program, licensees must submit an application form to the board. If the application establishes that the licensee meets the qualifications to join the program, the board must send the licensee a membership certificate.

(e) A licensee participating in the responsible vendor program must at a minimum:

- (i) Provide ongoing training to employees;

- (ii) Accept only certain forms of identification for alcohol sales;
- (iii) Adopt policies on alcohol sales and checking identification;
- (iv) Post specific signs in the business; and
- (v) Keep records verifying compliance with the program's requirements.

(f)(i) A spirits retail licensee that also holds a grocery store license under RCW [66.24.360](#) or a beer and/or wine specialty shop license under RCW [66.24.371](#) may, upon board approval and pursuant to board rules, transition to a combination spirits, beer, and wine license pursuant to RCW [66.24.035](#).

(ii) An applicant that would qualify for a spirits retail license under this section and that qualifies for a combination spirits, beer, and wine license pursuant to RCW [66.24.035](#) may apply for a license pursuant to RCW [66.24.035](#) instead of applying for a spirits retail license under this section.

[[2021 c 48 § 5](#); [2020 c 238 § 9](#); [2017 c 96 § 4](#); [2015 c 186 § 1](#); [2012 2nd sp.s. c 6 § 401](#); [2012 c 2 § 103](#) (Initiative Measure No. 1183, approved November 8, 2011).]

NOTES:

Findings—Intent—Expiration of temporary authorization—Customer identification—Food requirements—Effective date—2021 c 48: See notes following RCW [66.08.071](#).

Tax preference performance statement and expiration exemption—2021 c 48: See note following RCW [82.08.150](#).

Existing rights, liabilities, or obligations—Effective dates—Contingent effective dates—2012 2nd sp.s. c 6: See notes following RCW [82.04.29005](#).

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

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WAC 314-11-065**Types of liquor allowed on a licensed premises.**

(1) Licensees may only possess and allow persons to consume or possess the type of liquor permitted by the type of liquor license held on the premises; except:

(a) Under authority of a banquet permit (see chapter **314-18** WAC);

(b) Restaurant licensees may allow patrons to bring wine into the premises for consumption with a meal;

(c) Beer and/or wine restaurant or tavern licensees may keep spirituous liquor on the premises for use in the manufacture of food products, provided that:

(i) All food products manufactured contain one percent or less of alcohol by weight (per RCW **66.12.160**);

(ii) Customers are made aware that the food products contain liquor; and

(iii) The beer and/or wine restaurant or tavern licensee notifies the local liquor control board enforcement office in writing before they bring spirituous liquor on the premises;

(d) Under the authority of a special occasion license; and

(e) Licensees with an endorsement under WAC **314-20-350**, **314-24-350**, or **314-28-350** may keep other types of liquor on the premises to provide contract packaging services consistent with RCW **66.24.248**.

(2) For on-premises liquor licenses, the licensee or employees may not permit the removal of liquor in an open container from the licensed premises, except:

(a) Liquor brought on a licensed premises under authority of a banquet permit may be resealed in its original container and removed at the end of the banquet permit function;

(b) Per RCW **66.24.320** and **66.24.400**, wine that is sold with a meal may be recorked or resealed and removed from the premises;

(c) Liquor purchased by registered guests for consumption inside a hotel or motel room may be resealed in its original container and removed from the hotel or motel premises by the guest; and

(d) Liquor removed from a licensed premises that holds a caterer's endorsement, for the purpose of catering an approved event.

[Statutory Authority: RCW **66.08.030** and **66.24.248**. WSR 22-19-035, § 314-11-065, filed 9/14/22, effective 10/15/22. Statutory Authority: RCW **66.08.030**. WSR 17-12-030, § 314-11-065, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW **66.08.030**, **66.12.160**, **66.44.010**, **66.44.200**, **66.44.240**, **66.44.270**, **66.24.291** [66.44.291], **66.44.310**. WSR 04-15-162, § 314-11-065, filed 7/21/04, effective 8/21/04. Statutory Authority: RCW **66.08.030**, **66.28.100**, **66.28.040**, **66.28.090**, **66.44.010**, **66.44.070**, **66.44.200**, **66.44.270**, **66.44.291**, **66.44.292**, **66.44.310**, **66.44.316**, **66.44.318**, **66.44.340**, and **66.44.350**. WSR 02-11-054, § 314-11-065, filed 5/9/02, effective 6/9/02. Statutory Authority: RCW **66.08.030**, **66.28.100**, **66.28.040**, **66.28.090**, **66.44.010**, **66.44.070**, **66.44.200**, **66.44.270**, **66.44.291**, **66.44.292**, **66.44.310**, **66.44.316**, **66.44.318**, **66.44.340**, **66.44.350**, and chapter **66.44** RCW. WSR 01-06-014, § 314-11-065, filed 2/26/01, effective 3/29/01.]