



Washington State
Liquor and Cannabis Board

Date: July 19, 2023

To: David Postman, Board Chair
Ollie Garrett, Board Member
Jim Vollendroff, Board Member

From: Daniel Jacobs, Policy and Rules Coordinator

Copy: Will Lukela, Agency Director
Toni Hood, Agency Deputy Director
Chandra Wax, Director of Enforcement and Education
Becky Smith, Licensing Director
Justin Nordhorn, Policy and External Affairs Director
Cassidy West, Rules & Policy Manager

Subject: **Approval to file a pre-proposal statement of inquiry (CR 101) regarding Implementation of Substitute Senate Bill (SSB) 5448 and Class 13 Mandatory Alcohol Server Training (MAST) Permit Privilege Review.**

The Washington State Liquor and Cannabis Board (Board) is considering repealing, amending, and creating rule sections in Title 314 WAC as necessary to implement [SSB 5448 \(chapter 279, Laws of 2023\)](#). The Board is also considering amending WAC 314-17-015 and repealing, amending, and creating rule sections in Title 314 WAC, or both as necessary to allow Class 13 MAST permit holders, in areas that are not minor restricted, to open and pour beer and wine from bottles and cans away from the table.

Process

The Policy and Rules Coordinator requests approval to file the pre-proposal statement of inquiry (CR 101) for the rule making described above. A CR 101 Memorandum was presented at the Board meeting on July 19, 2023 and is attached to this order.

If approved for filing, the **tentative timeline** for the rule making process is outlined below:

July 19, 2023	Board is asked to approve filing pre-proposal statement of inquiry (CR 101). CR 101 is filed with the Office of the Code Reviser. Webpage is updated and notice circulated by GovDelivery distribution list. Informal comment period begins.
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August 2, 2023	Notice is published in the Washington State Register under WSR 23-15.
August 21, 2023	Informal comment period ends.
September 13, 2023	Board is asked to approve filing proposed rules (CR 102). CR 102 is filed with the Office of the Code Reviser. Webpage is updated and notice circulated by the rules distribution list. Formal comment period begins.
October 4, 2023	Notice is published in the Washington State Register under WSR 23-19.
October 25, 2023	Public hearing is held and formal comment period ends.
November 8, 2023	Board is asked to adopt rules if no substantive changes are made (CR 103). Concise Explanatory Statement is provided to individuals offering written or oral comment at the public hearing or during the formal comment period, consistent with RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser. Webpage is updated and notice circulated by GovDelivery distribution list.
December 8, 2023	Rules are effective 31 days after filing unless otherwise specified. See RCW 34.05.380(2).

Approve Disapprove _____ David Postman, Chair _____ Date

Approve Disapprove _____ Ollie Garrett, Board Member _____ Date

Approve Disapprove _____ Jim Vollendroff, Board Member _____ Date

Attachments: CR 101 Memorandum
 January 4, 2023 Response to Petition for Rule-Making
 SSB 5448 (chapter 279, Laws of 2023)



CR 101 Memorandum

Regarding Implementation of Substitute Senate Bill (SSB) 5448 and Class 13 MAST Permit Privilege Review.

Date: July 19, 2023
Presented by: Daniel Jacobs, Policy and Rules Coordinator

Background

On November 9, 2022, Josh McDonald, on behalf of the Washington Wine Institute, submitted a petition for adoption, amendment, or repeal of a state administrative rule to the Washington State Liquor and Cannabis Board (Board). The petition requested that the Board amend WAC 314-17-015 to allow Class 13 permit holders to open and pour beer and wine away from the customer's table in the same manner they are permitted to do so at the table under WAC 314-17-015(6)(c).

On January 4, 2023, the Board accepted the petition. Consistent with RCW 34.05.330(1)(b), the Board agreed to initiate the rulemaking process and begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of defining where, in areas not restricted to minors, a Class 13 permit holder may open and pour beer and wine away from the customer's table.

During the 2023 legislative session, the Washington state legislature passed [Substitute Senate Bill \(SSB\) 5448 \(chapter 279, Laws of 2023\)](#) regarding an extension of alcohol delivery and takeout privileges that were introduced by the legislature during the COVID-19 pandemic. Part of SSB 5448 makes changes and additions to the required education provided in the Mandatory Alcohol Server Training (MAST) program and by MAST course providers, while additional provisions of the bill were implemented using the exception rule process described in RCW 34.05.310(4).

Because the part of Title 314 WAC on the MAST program was already "open" because of the MAST 13 Permit Privilege Review rulemaking project already under way, and begun during the middle of the legislative session, the most efficient and expeditious use of rulemaking resources required the MAST 13 Permit Privilege Review project to be withdrawn, combined and refiled in conjunction with the standard rulemaking that will be required by SSB 5448.

Reasons Why Rulemaking Is Needed

Amending WAC 314-17-015 in addition to potentially new rule sections and amendments to, or repeals of, existing rule sections in Title 314 WAC may be necessary to allow Class 13 MAST permit holders, in areas not restricted to minors, to open and pour beer and wine from bottles or cans away from the table.

Additionally, it may be necessary to amend, repeal, or create new sections of Title 314 WAC to implement the provisions of SSB 5448 which cannot be addressed by the exception rulemaking process. Examples of such are including but not limited to aligning existing sections of Title 314 WAC with the new definition of delivery in RCW 66.04.010, such as WAC 314-03-035, 314-20-260, and 314-28-100.

Process

The rulemaking process begins by announcing the Board's intent to consider changes to existing rules, add new rule sections, or both by filing a pre-proposal statement of inquiry (CR 101) form with the Office of the Code Reviser. This allows staff, stakeholders, industry partners, and all members of the authorizing environment to begin discussing possible rule changes.

At the CR 101 stage of the rulemaking process, no proposed language is offered. Any interested person may comment on this possible rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule activity related to this pre-proposal statement of inquiry. The notice will identify the public comment period and where comments can be sent.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Washington State Liquor and Cannabis Board

Subject of possible rule making: Title 314 WAC. The Washington State Liquor and Cannabis Board (LCB) is considering amending WAC 314-17-015 and repealing, amending, and creating rule sections in Title 314 WAC or both as necessary to allow Class 13 MAST permit holders, in areas not restricted to minors, to open and pour beer and wine from bottles or cans away from the table.

The LCB is also considering repealing, amending, and creating rule sections in Title 314 WAC as necessary to implement the provisions of Substitute Senate Bill (SSB) 5448 (chapter 279, Laws of 2023), enacted during the 2023 legislative session regarding an extension of alcohol delivery and takeout privileges that expired on July 1, 2023.

Statutes authorizing the agency to adopt rules on this subject: RCW 66.08.030 (liquor) and 66.20.330 (alcohol servers).

Reasons why rules on this subject may be needed and what they might accomplish: On January 4, 2023, the LCB accepted a rule petition related to Class 13 permit holders and where they may open and pour beer and wine away from the customer's table. Consistent with RCW 34.05.330(1)(b), the LCB is initiating the rulemaking process to begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of allowing, in areas that are not minor restricted, Class 13 permit holders to open and pour beer and wine from bottles or cans.

During the 2023 legislative session, the Washington state legislature passed SSB 5448 (chapter 279, Laws of 2023), signed into law by the governor on May 4, 2023, scheduled to become effective July 1, 2023, on the topic of alcohol delivery and takeout privileges and extending those privileges beyond July 1, 2023, when they expired. While using the exception process described in RCW 34.05.310(4) to align regulations with the language of SSB 5448 is already completed, rulemaking that cannot be completed under the exception process may be necessary to address issues that may arise from SSB 5448. Examples of such are including but not limited to aligning existing sections of Title 314 WAC with the new definition of delivery in RCW 66.04.010, such as WAC 314-03-035, 314-20-260 and 314-28-100.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Daniel Jacobs, Policy and Rules Coordinator	(If necessary)
Address: PO BOX 43080, Olympia, WA 98504	Name:
Phone: 360-480 1238	Address:
Fax: 360-704-5027	Phone:
TTY:	Fax:
	TTY:

Email: rules@lcb.wa.gov

Web site: lcb.wa.gov

Other:

Email:

Web site:

Other:

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rulemaking notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

Date: July 19, 2023

Name: David Postman

Title: Chair

Signature:

Place signature here

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5448

Chapter 279, Laws of 2023

68th Legislature
2023 Regular Session

ALCOHOL DELIVERY AND TAKEOUT—EXTENSION

EFFECTIVE DATE: July 1, 2023

Passed by the Senate April 18, 2023
Yeas 40 Nays 8

DENNY HECK

President of the Senate

Passed by the House April 10, 2023
Yeas 80 Nays 18

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 4, 2023 10:58 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5448** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 4, 2023

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5448

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators MacEwen, Mullet, Nguyen, and Shewmake)

READ FIRST TIME 02/16/23.

1 AN ACT Relating to liquor licensee privileges for the delivery of
2 alcohol; amending RCW 66.20.320 and 66.24.660; amending 2021 c 48 s 2
3 (uncodified); reenacting and amending RCW 66.04.010 and 66.20.310;
4 adding a new section to chapter 66.24 RCW; creating a new section;
5 providing an effective date; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** 2021 c 48 s 2 (uncodified) is amended to read as
8 follows:

9 (1) ~~((The board must implement the provisions of this section as~~
10 ~~expeditiously as possible. Liquor licensees may conduct activities~~
11 ~~authorized under this section before completion by the board of~~
12 ~~actions the board plans to take in order to implement this act, such~~
13 ~~as adoption of rules or completion of information system changes~~
14 ~~necessary to allow licensees to apply for required endorsements.~~
15 ~~However, licensees must comply with board rules when they take~~
16 ~~effect.~~

17 ~~(2) The~~) (a) Except as provided in (b) of this subsection, the
18 following licensees may sell alcohol products at retail for
19 ~~((curbside and))~~ takeout ~~((service))~~ or delivery or both under liquor
20 and cannabis board licenses and endorsements: Beer and wine
21 restaurants; spirits, beer, and wine restaurants; taverns; domestic

1 wineries; domestic breweries and microbreweries; distilleries; snack
2 bars; nonprofit arts licensees; and caterers.

3 (b) No alcohol products may be sold by delivery under this
4 section after July 1, 2025.

5 ~~((3))~~ (2) Spirits, beer, and wine restaurant licensees may sell
6 premixed cocktails ~~((and cocktail kits))~~ for takeout ~~((or curbside~~
7 ~~service))~~ and, until July 1, 2025, for delivery. The board may
8 establish by rule the manner in which premixed cocktails for off-
9 premises consumption must be provided. This subsection does not
10 authorize the sale of ~~((full))~~ bottles of spirits by licensees for
11 off-premises consumption ~~((, with the exception of mini-bottles as~~
12 ~~part of cocktail kits. Mini-bottle sales authorized under this~~
13 ~~subsection as part of cocktail kits are exempt from the spirits~~
14 ~~license issuance fee under RCW 66.24.630(4)(a) and the tax on each~~
15 ~~retail sale of spirits under RCW 82.08.150)).~~

16 ~~((4))~~ (3) Spirits, beer, and wine restaurant licensees may sell
17 wine by the glass or premixed wine and spirits cocktails for takeout
18 ~~((or curbside service))~~ and ~~((for)),~~ until July 1, 2025, delivery.
19 Beer and wine restaurant licensees may sell wine or premixed wine
20 drinks by the glass for takeout ~~((or curbside service))~~ and ~~((for)),~~
21 until July 1, 2025, delivery. The board may establish by rule the
22 manner in which wine by the glass and premixed cocktails for off-
23 premises consumption must be provided.

24 ~~((5))~~ (4) Licensees that were authorized by statute or rule
25 before January 1, 2020, to sell growlers for on-premises consumption
26 may sell growlers for off-premises consumption through ~~((curbside,))~~
27 takeout ~~((,))~~ or, until July 1, 2025, delivery ~~((service)).~~ Sale of
28 growlers under this subsection must meet federal alcohol and tobacco
29 tax and trade bureau requirements.

30 ~~((6))~~ (5)(a) Licensees must obtain from the board an
31 endorsement to their license in order to conduct activities
32 authorized under subsections ~~((2))~~ (1) through ~~((5))~~ (4) of this
33 section. The board may adopt rules governing the manner in which the
34 activities authorized under this section must be conducted. Licensees
35 must not be charged a fee in order to obtain an endorsement required
36 under this section.

37 (b)(i) Alcohol delivery under this section must be performed by
38 an employee of an alcohol delivery endorsement holder who is 21 years
39 of age or older and possesses a class 12 permit, in accordance with
40 RCW 66.20.310.

1 (ii) Delivery services conducted by beer and wine restaurant
2 licensees and spirits, beer, and wine restaurant licensees under this
3 section must be accompanied by a purchased meal prepared and sold by
4 the license holder.

5 (c) Alcohol sold for takeout by beer and wine restaurant
6 licensees and spirits, beer, and wine restaurant licensees under this
7 section must be accompanied by a purchased meal prepared and sold by
8 the license holder.

9 (d) Any alcohol product sold for takeout or delivery under this
10 section must be in a factory sealed container or a tamper-resistant
11 container.

12 ~~((7))~~ (6) Beer and wine specialty shops licensed under RCW
13 66.24.371 and domestic breweries and microbreweries may sell
14 prefilled growlers for off-premises consumption through takeout ~~((
15 ~~curbside service~~))~~ and, until July 1, 2025, delivery, provided that
16 prefilled growlers are sold the same day they are prepared for sale
17 and not stored overnight for sale on future days.

18 ~~((8))~~ (7) The board must adopt or revise current rules to allow
19 for outdoor service of alcohol by on-premises licensees holding
20 licenses issued by the board for the following license types: Beer
21 and wine restaurants; spirits, beer, and wine restaurants; taverns;
22 domestic wineries; domestic breweries and microbreweries;
23 distilleries; snack bars; and private clubs licensed under RCW
24 66.24.450 and 66.24.452. The board may adopt requirements providing
25 for clear accountability at locations where multiple licensees use a
26 shared space for serving customers.

27 ~~((9))~~ (8) Upon delivery of any alcohol product authorized to be
28 delivered under this section, the signature of the person age 21 or
29 over receiving the delivery must be obtained.

30 ~~((10))~~ (9) The definitions in this subsection apply throughout
31 this section unless the context clearly requires otherwise.

32 (a) "Board" means the liquor and cannabis board.

33 (b) "Growlers" means sanitary containers brought to the premises
34 by the purchaser or furnished by the licensee and filled by the
35 retailer at the time of sale.

36 ~~((c) "Mini-bottles" means original factory-sealed containers~~
37 ~~holding not more than 50 milliliters of a spirituous beverage.~~

38 ~~((11) This section expires July 1, 2023.))~~

1 **Sec. 2.** RCW 66.04.010 and 2019 c 61 s 1 are each reenacted and
2 amended to read as follows:

3 In this title, unless the context otherwise requires:

4 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
5 oxide of ethyl, or spirit of wine, which is commonly produced by the
6 fermentation or distillation of grain, starch, molasses, or sugar, or
7 other substances including all dilutions and mixtures of this
8 substance. The term "alcohol" does not include alcohol in the
9 possession of a manufacturer or distiller of alcohol fuel, as
10 described in RCW 66.12.130, which is intended to be denatured and
11 used as a fuel for use in motor vehicles, farm implements, and
12 machines or implements of husbandry.

13 (2) "Authorized representative" means a person who:

14 (a) Is required to have a federal basic permit issued pursuant to
15 the federal alcohol administration act, 27 U.S.C. Sec. 204;

16 (b) Has its business located in the United States outside of the
17 state of Washington;

18 (c) Acquires ownership of beer or wine for transportation into
19 and resale in the state of Washington; and which beer or wine is
20 produced by a brewery or winery in the United States outside of the
21 state of Washington; and

22 (d) Is appointed by the brewery or winery referenced in (c) of
23 this subsection as its authorized representative for marketing and
24 selling its products within the United States in accordance with a
25 written agreement between the authorized representative and such
26 brewery or winery pursuant to this title.

27 (3) "Beer" means any malt beverage, flavored malt beverage, or
28 malt liquor as these terms are defined in this chapter.

29 (4) "Beer distributor" means a person who buys beer from a
30 domestic brewery, microbrewery, beer certificate of approval holder,
31 or beer importers, or who acquires foreign produced beer from a
32 source outside of the United States, for the purpose of selling the
33 same pursuant to this title, or who represents such brewer or brewery
34 as agent.

35 (5) "Beer importer" means a person or business within Washington
36 who purchases beer from a beer certificate of approval holder or who
37 acquires foreign produced beer from a source outside of the United
38 States for the purpose of selling the same pursuant to this title.

39 (6) "Board" means the liquor and cannabis board, constituted
40 under this title.

1 (7) "Brewer" or "brewery" means any person engaged in the
2 business of manufacturing beer and malt liquor. Brewer includes a
3 brand owner of malt beverages who holds a brewer's notice with the
4 federal bureau of alcohol, tobacco, and firearms at a location
5 outside the state and whose malt beverage is contract-produced by a
6 licensed in-state brewery, and who may exercise within the state,
7 under a domestic brewery license, only the privileges of storing,
8 selling to licensed beer distributors, and exporting beer from the
9 state.

10 (8) "Club" means an organization of persons, incorporated or
11 unincorporated, operated solely for fraternal, benevolent,
12 educational, athletic, or social purposes, and not for pecuniary
13 gain.

14 (9) "Confection" means a preparation of sugar, honey, or other
15 natural or artificial sweeteners in combination with chocolate,
16 fruits, nuts, dairy products, or flavorings, in the form of bars,
17 drops, or pieces.

18 (10) "Consume" includes the putting of liquor to any use, whether
19 by drinking or otherwise.

20 (11) "Contract liquor store" means a business that sells liquor
21 on behalf of the board through a contract with a contract liquor
22 store manager.

23 (12) "Craft distillery" means a distillery that pays the reduced
24 licensing fee under RCW 66.24.140.

25 (13) "Delivery" means the transportation of alcohol to an
26 individual located within Washington state from a licensed location
27 holding an alcohol delivery endorsement as part of a delivery order.
28 "Delivery" does not include services provided by common carriers.

29 (14) "Dentist" means a practitioner of dentistry duly and
30 regularly licensed and engaged in the practice of his or her
31 profession within the state pursuant to chapter 18.32 RCW.

32 ~~((14))~~ (15) "Distiller" means a person engaged in the business
33 of distilling spirits.

34 ~~((15))~~ (16) "Domestic brewery" means a place where beer and
35 malt liquor are manufactured or produced by a brewer within the
36 state.

37 ~~((16))~~ (17) "Domestic winery" means a place where wines are
38 manufactured or produced within the state of Washington.

39 ~~((17))~~ (18) "Drug store" means a place whose principal business
40 is, the sale of drugs, medicines, and pharmaceutical preparations and

1 maintains a regular prescription department and employs a registered
2 pharmacist during all hours the drug store is open.

3 ~~((18))~~ (19) "Druggist" means any person who holds a valid
4 certificate and is a registered pharmacist and is duly and regularly
5 engaged in carrying on the business of pharmaceutical chemistry
6 pursuant to chapter 18.64 RCW.

7 ~~((19))~~ (20) "Employee" means any person employed by the board.

8 ~~((20))~~ (21) "Flavored malt beverage" means:

9 (a) A malt beverage containing six percent or less alcohol by
10 volume to which flavoring or other added nonbeverage ingredients are
11 added that contain distilled spirits of not more than forty-nine
12 percent of the beverage's overall alcohol content; or

13 (b) A malt beverage containing more than six percent alcohol by
14 volume to which flavoring or other added nonbeverage ingredients are
15 added that contain distilled spirits of not more than one and
16 one-half percent of the beverage's overall alcohol content.

17 ~~((21))~~ (22) "Fund" means 'liquor revolving fund.'

18 ~~((22))~~ (23) "Hotel" means buildings, structures, and grounds,
19 having facilities for preparing, cooking, and serving food, that are
20 kept, used, maintained, advertised, or held out to the public to be a
21 place where food is served and sleeping accommodations are offered
22 for pay to transient guests, in which twenty or more rooms are used
23 for the sleeping accommodation of such transient guests. The
24 buildings, structures, and grounds must be located on adjacent
25 property either owned or leased by the same person or persons.

26 ~~((23))~~ (24) "Importer" means a person who buys distilled
27 spirits from a distillery outside the state of Washington and imports
28 such spirituous liquor into the state for sale to the board or for
29 export.

30 ~~((24))~~ (25) "Imprisonment" means confinement in the county
31 jail.

32 ~~((25))~~ (26) "Liquor" includes the four varieties of liquor
33 herein defined (alcohol, spirits, wine, and beer), and all fermented,
34 spirituous, vinous, or malt liquor, or combinations thereof, and
35 mixed liquor, a part of which is fermented, spirituous, vinous or
36 malt liquor, or otherwise intoxicating; and every liquid or solid or
37 semisolid or other substance, patented or not, containing alcohol,
38 spirits, wine, or beer, and all drinks or drinkable liquids and all
39 preparations or mixtures capable of human consumption, and any
40 liquid, semisolid, solid, or other substance, which contains more

1 than one percent of alcohol by weight shall be conclusively deemed to
2 be intoxicating. Liquor does not include confections or food products
3 that contain one percent or less of alcohol by weight.

4 ~~((26))~~ (27) "Malt beverage" or "malt liquor" means any beverage
5 such as beer, ale, lager beer, stout, and porter obtained by the
6 alcoholic fermentation of an infusion or decoction of pure hops, or
7 pure extract of hops and pure barley malt or other wholesome grain or
8 cereal in pure water containing not more than eight percent of
9 alcohol by weight, and not less than one-half of one percent of
10 alcohol by volume. For the purposes of this title, any such beverage
11 containing more than eight percent of alcohol by weight shall be
12 referred to as "strong beer."

13 ~~((27))~~ (28) "Manufacturer" means a person engaged in the
14 preparation of liquor for sale, in any form whatsoever.

15 ~~((28))~~ (29) "Nightclub" means an establishment that provides
16 entertainment and has as its primary source of revenue (a) the sale
17 of alcohol for consumption on the premises, (b) cover charges, or (c)
18 both.

19 ~~((29))~~ (30) "Package" means any container or receptacle used
20 for holding liquor.

21 ~~((30))~~ (31) "Passenger vessel" means any boat, ship, vessel,
22 barge, or other floating craft of any kind carrying passengers for
23 compensation.

24 ~~((31))~~ (32) "Permit" means a permit for the purchase of liquor
25 under this title.

26 ~~((32))~~ (33) "Person" means an individual, copartnership,
27 association, or corporation.

28 ~~((33))~~ (34) "Physician" means a medical practitioner duly and
29 regularly licensed and engaged in the practice of his or her
30 profession within the state pursuant to chapter 18.71 RCW.

31 ~~((34))~~ (35) "Powdered alcohol" means any powder or crystalline
32 substance containing alcohol that is produced for direct use or
33 reconstitution.

34 ~~((35))~~ (36) "Prescription" means a memorandum signed by a
35 physician and given by him or her to a patient for the obtaining of
36 liquor pursuant to this title for medicinal purposes.

37 ~~((36))~~ (37) "Public place" includes streets and alleys of
38 incorporated cities and towns; state or county or township highways
39 or roads; buildings and grounds used for school purposes; public
40 dance halls and grounds adjacent thereto; those parts of

1 establishments where beer may be sold under this title, soft drink
2 establishments, public buildings, public meeting halls, lobbies,
3 halls and dining rooms of hotels, restaurants, theaters, stores,
4 garages and filling stations which are open to and are generally used
5 by the public and to which the public is permitted to have
6 unrestricted access; railroad trains, stages, and other public
7 conveyances of all kinds and character, and the depots and waiting
8 rooms used in conjunction therewith which are open to unrestricted
9 use and access by the public; publicly owned bathing beaches, parks,
10 and/or playgrounds; and all other places of like or similar nature to
11 which the general public has unrestricted right of access, and which
12 are generally used by the public.

13 ~~((37))~~ (38) "Regulations" means regulations made by the board
14 under the powers conferred by this title.

15 ~~((38))~~ (39) "Restaurant" means any establishment provided with
16 special space and accommodations where, in consideration of payment,
17 food, without lodgings, is habitually furnished to the public, not
18 including drug stores and soda fountains.

19 ~~((39))~~ (40) "Sale" and "sell" include exchange, barter, and
20 traffic; and also include the selling or supplying or distributing,
21 by any means whatsoever, of liquor, or of any liquid known or
22 described as beer or by any name whatever commonly used to describe
23 malt or brewed liquor or of wine, by any person to any person; and
24 also include a sale or selling within the state to a foreign
25 consignee or his or her agent in the state. "Sale" and "sell" shall
26 not include the giving, at no charge, of a reasonable amount of
27 liquor by a person not licensed by the board to a person not licensed
28 by the board, for personal use only. "Sale" and "sell" also does not
29 include a raffle authorized under RCW 9.46.0315: PROVIDED, That the
30 nonprofit organization conducting the raffle has obtained the
31 appropriate permit from the board.

32 ~~((40))~~ (41) "Service bar" means a fixed or portable table,
33 counter, cart, or similar workstation primarily used to prepare, mix,
34 serve, and sell alcohol that is picked up by employees or customers.
35 Customers may not be seated or allowed to consume food or alcohol at
36 a service bar.

37 ~~((41))~~ (42) "Soda fountain" means a place especially equipped
38 with apparatus for the purpose of dispensing soft drinks, whether
39 mixed or otherwise.

1 ~~((42))~~ (43) "Soju" means a traditional Korean distilled
2 alcoholic beverage, produced using authentic Korean recipes and
3 production methods, and derived from agricultural products, that
4 contains not more than twenty-four percent of alcohol by volume.

5 ~~((43))~~ (44) "Spirits" means any beverage which contains alcohol
6 obtained by distillation, except flavored malt beverages, but
7 including wines exceeding twenty-four percent of alcohol by volume.

8 ~~((44))~~ (45) "Store" means a state liquor store established
9 under this title.

10 ~~((45))~~ (46) "Tavern" means any establishment with special space
11 and accommodation for sale by the glass and for consumption on the
12 premises, of beer, as herein defined.

13 ~~((46))~~ (47) "VIP airport lounge" means an establishment within
14 an international airport located beyond security checkpoints that
15 provides a special space to sit, relax, read, work, and enjoy
16 beverages where access is controlled by the VIP airport lounge
17 operator and is generally limited to the following classifications of
18 persons:

19 (a) Airline passengers of any age whose admission is based on a
20 first-class, executive, or business class ticket;

21 (b) Airline passengers of any age who are qualified members or
22 allowed guests of certain frequent flyer or other loyalty incentive
23 programs maintained by airlines that have agreements describing the
24 conditions for access to the VIP airport lounge;

25 (c) Airline passengers of any age who are qualified members or
26 allowed guests of certain enhanced amenities programs maintained by
27 companies that have agreements describing the conditions for access
28 to the VIP airport lounge;

29 (d) Airport and airline employees, government officials, foreign
30 dignitaries, and other attendees of functions held by the airport
31 authority or airlines related to the promotion of business objectives
32 such as increasing international air traffic and enhancing foreign
33 trade where access to the VIP airport lounge will be controlled by
34 the VIP airport lounge operator; and

35 (e) Airline passengers of any age or airline employees whose
36 admission is based on a pass issued or permission given by the
37 airline for access to the VIP airport lounge.

38 ~~((47))~~ (48) "VIP airport lounge operator" means an airline,
39 port district, or other entity operating a VIP airport lounge that:
40 Is accountable for compliance with the alcohol beverage control act

1 under this title; holds the license under chapter 66.24 RCW issued to
2 the VIP airport lounge; and provides a point of contact for
3 addressing any licensing and enforcement by the board.

4 ~~((48))~~ (49) (a) "Wine" means any alcoholic beverage obtained by
5 fermentation of fruits (grapes, berries, apples, et cetera) or other
6 agricultural product containing sugar, to which any saccharine
7 substances may have been added before, during or after fermentation,
8 and containing not more than twenty-four percent of alcohol by
9 volume, including sweet wines fortified with wine spirits, such as
10 port, sherry, muscatel, and angelica, not exceeding twenty-four
11 percent of alcohol by volume and not less than one-half of one
12 percent of alcohol by volume. For purposes of this title, any
13 beverage containing no more than fourteen percent of alcohol by
14 volume when bottled or packaged by the manufacturer shall be referred
15 to as "table wine," and any beverage containing alcohol in an amount
16 more than fourteen percent by volume when bottled or packaged by the
17 manufacturer shall be referred to as "fortified wine." However,
18 "fortified wine" shall not include: (i) Wines that are both sealed or
19 capped by cork closure and aged two years or more; and (ii) wines
20 that contain more than fourteen percent alcohol by volume solely as a
21 result of the natural fermentation process and that have not been
22 produced with the addition of wine spirits, brandy, or alcohol.

23 (b) This subsection shall not be interpreted to require that any
24 wine be labeled with the designation "table wine" or "fortified
25 wine."

26 ~~((49))~~ (50) "Wine distributor" means a person who buys wine
27 from a domestic winery, wine certificate of approval holder, or wine
28 importer, or who acquires foreign produced wine from a source outside
29 of the United States, for the purpose of selling the same not in
30 violation of this title, or who represents such vintner or winery as
31 agent.

32 ~~((50))~~ (51) "Wine importer" means a person or business within
33 Washington who purchases wine from a wine certificate of approval
34 holder or who acquires foreign produced wine from a source outside of
35 the United States for the purpose of selling the same pursuant to
36 this title.

37 ~~((51))~~ (52) "Winery" means a business conducted by any person
38 for the manufacture of wine for sale, other than a domestic winery.

1 **Sec. 3.** RCW 66.20.310 and 2019 c 64 s 21 are each reenacted and
2 amended to read as follows:

3 (1)(a) There is an alcohol server permit, known as a class 12
4 permit, for ((a)):

5 (i) A manager ((or bartender));

6 (ii) A bartender selling or mixing alcohol, spirits, wines, or
7 beer for consumption at an on-premises licensed facility; or

8 (iii) An employee conducting alcohol deliveries for a licensee
9 that delivers alcohol under section 1 of this act (as codified under
10 section 7 of this act).

11 (b) There is an alcohol server permit, known as a class 13
12 permit, for a person who only serves alcohol, spirits, wines, or beer
13 for consumption at an on-premises licensed facility.

14 (c) As provided by rule by the board, a class 13 permit holder
15 may be allowed to act as a bartender without holding a class 12
16 permit.

17 (2)(a) Effective January 1, 1997, except as provided in (d) of
18 this subsection, every alcohol server employed, under contract or
19 otherwise, at a retail licensed premise must be issued a class 12 or
20 class 13 permit.

21 (b) Every class 12 and class 13 permit issued must be issued in
22 the name of the applicant and no other person may use the permit of
23 another permit holder. The holder must present the permit upon
24 request to inspection by a representative of the board or a peace
25 officer. The class 12 or class 13 permit is valid for employment at
26 any retail licensed premises described in (a) of this subsection.

27 (c) Except as provided in (d) of this subsection, no licensee
28 holding a license as authorized by this section and RCW 66.20.300,
29 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690,
30 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, 66.24.655, and
31 66.24.680 may employ or accept the services of any person without the
32 person first having a valid class 12 or class 13 permit.

33 (d) Within sixty days of initial employment, every person whose
34 duties include the compounding, sale, service, or handling of liquor
35 must have a class 12 or class 13 permit.

36 (e) No person may perform duties that include the sale or service
37 of alcoholic beverages on a retail licensed premises without
38 possessing a valid alcohol server permit.

39 (f) Every person whose duties include the delivery of alcohol
40 authorized under section 1 of this act (as codified under section 7

1 of this act) must have a class 12 permit before engaging in alcohol
2 delivery. A delivery employee whose duties include the delivery of
3 alcohol authorized under section 1 of this act (as codified under
4 section 7 of this act) must complete an approved class 12 permit
5 course that includes a curriculum component that covers best
6 practices for delivery of alcohol.

7 (3) A permit issued by a training entity under this section is
8 valid for employment at any retail licensed premises described in
9 subsection (2)(a) of this section for a period of five years unless
10 suspended by the board.

11 (4) The board may suspend or revoke an existing permit if any of
12 the following occur:

13 (a) The applicant or permittee has been convicted of violating
14 any of the state or local intoxicating liquor laws of this state or
15 has been convicted at any time of a felony; or

16 (b) The permittee has performed or permitted any act that
17 constitutes a violation of this title or of any rule of the board.

18 (5) The suspension or revocation of a permit under this section
19 does not relieve a licensee from responsibility for any act of the
20 employee or agent while employed upon the retail licensed premises.
21 The board may, as appropriate, revoke or suspend either the permit of
22 the employee who committed the violation or the license of the
23 licensee upon whose premises the violation occurred, or both the
24 permit and the license.

25 (6)(a) After January 1, 1997, it is a violation of this title for
26 any retail licensee or agent of a retail licensee as described in
27 subsection (2)(a) of this section to employ in the sale or service of
28 alcoholic beverages, any person who does not have a valid alcohol
29 server permit or whose permit has been revoked, suspended, or denied.

30 (b) It is a violation of this title for a person whose alcohol
31 server permit has been denied, suspended, or revoked to accept
32 employment in the sale or service of alcoholic beverages.

33 (7) Grocery stores licensed under RCW 66.24.360, the primary
34 commercial activity of which is the sale of grocery products and for
35 which the sale and service of beer and wine for on-premises
36 consumption with food is incidental to the primary business, and
37 employees of such establishments, are exempt from RCW 66.20.300
38 through 66.20.350, except for employees whose duties include serving
39 during tasting activities under RCW 66.24.363.

1 **Sec. 4.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to
2 read as follows:

3 (1) The board shall regulate a required alcohol server education
4 program that includes:

5 (a) Development of the curriculum and materials for the education
6 program;

7 (b) Examination and examination procedures;

8 (c) Certification procedures, enforcement policies, and penalties
9 for education program instructors and providers; and

10 (d) The curriculum for an approved class 12 alcohol permit
11 training program that includes but is not limited to the following
12 subjects:

13 (i) The physiological effects of alcohol including the effects of
14 alcohol in combination with drugs;

15 (ii) Liability and legal information;

16 (iii) Driving while intoxicated;

17 (iv) Intervention with the problem customer, including ways to
18 stop service, ways to deal with the belligerent customer, and
19 alternative means of transportation to get the customer safely home;

20 (v) Methods for checking proper identification of customers;

21 (vi) Nationally recognized programs, such as TAM (Techniques in
22 Alcohol Management) and TIPS (Training for Intervention Programs)
23 modified to include Washington laws and (~~regulations~~) rules; and

24 (vii) Best practices for delivery of alcohol for a course
25 approved for a person whose duties include the delivery of alcohol
26 authorized under section 1 of this act (as codified under section 7
27 of this act).

28 (2) The board shall provide the program through liquor licensee
29 associations, independent contractors, private persons, private or
30 public schools certified by the board, or any combination of such
31 providers.

32 (3) Each training entity shall provide a class 12 permit to the
33 manager (~~or~~), bartender, or delivery employee who has successfully
34 completed a course the board has certified. A list of the individuals
35 receiving the class 12 permit shall be forwarded to the board on the
36 completion of each course given by the training entity.

37 (4) After January 1, 1997, the board shall require all alcohol
38 servers applying for a class 13 alcohol server permit to view a video
39 training session. Retail liquor licensees shall fully compensate
40 employees for the time spent participating in this training session.

1 (5) When requested by a retail liquor licensee, the board shall
2 provide copies of videotaped training programs that have been
3 produced by private vendors and make them available for a nominal fee
4 to cover the cost of purchasing and shipment, with the fees being
5 deposited in the liquor revolving fund for distribution to the board
6 as needed.

7 (6) Each training entity may provide the board with a video
8 program of not less than one hour that covers the subjects in
9 subsection (1)(d)(i) through (v) of this section that will be made
10 available to a licensee for the training of a class 13 alcohol
11 server.

12 (7) Applicants shall be given a class 13 permit upon the
13 successful completion of the program.

14 (8) A list of the individuals receiving the class 13 permit shall
15 be forwarded to the board on the completion of each video training
16 program.

17 (9) The board shall develop a model permit for the class 12 and
18 13 permits. The board may provide such permits to training entities
19 or licensees for a nominal cost to cover production.

20 (10)(a) Persons who have completed a nationally recognized
21 alcohol management or intervention program since July 1, 1993, may be
22 issued a class 12 or 13 permit upon providing proof of completion of
23 such training to the board.

24 (b) Persons who completed the board's alcohol server training
25 program after July 1, 1993, but before July 1, 1995, may be issued a
26 class 13 permit upon providing proof of completion of such training
27 to the board.

28 **Sec. 5.** RCW 66.24.660 and 2013 c 89 s 1 are each amended to read
29 as follows:

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

1 NEW SECTION. **Sec. 6.** By November 1, 2023, the liquor and
2 cannabis board shall submit recommendations to the governor and
3 appropriate committees of the legislature for a comprehensive alcohol
4 delivery policy. The recommendations in the report must include a
5 consistent, equitable structure for alcohol delivery licenses,
6 endorsements, permits, and fees, and a comprehensive plan to help
7 ensure all deliveries of alcohol are made only to persons who are 21
8 years of age or older.

9 NEW SECTION. **Sec. 7.** Section 1 of this act is codified as a new
10 section in chapter 66.24 RCW.

11 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect July 1, 2023.

Passed by the Senate April 18, 2023.
Passed by the House April 10, 2023.
Approved by the Governor May 4, 2023.
Filed in Office of Secretary of State May 4, 2023.

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