May 22, 2018

The following questions and answers are from May 16 Webinar regarding Wineries, Breweries and Distilleries. If you have further questions, please e-mail Licensingnonretail@lcb.wa.gov.

Licensing Questions

Winery:

1. How will I know if my location is compliant with Washington State Liquor and Cannabis Board (WSLCB)? I've heard that you can have a winery at your residence, but also heard it's not allowed? I don't want to go through the federal process to find that my spot won't work?

Your license investigator will help guide you through the licensing process, making sure your business meets WSLCB requirements. Before the license is issued, you must schedule a final inspection and briefing with your local Enforcement Officer and they will inspect and approve your location.

2. Can I share a location with another winery?

Yes. If there is an Alternating Proprietorship Agreement in place between the two wineries, then, the location can be shared.

3. Can I share my additional location with another winery?

Yes. Multiple wineries can share an additional location so long as there is clear separation between each wineries product.

4. We are interested in offering another winery’s product out of our tasting room. Is this allowed?

Yes, if the tasting room (additional location) also has a Beer and Wine restaurant privilege. Otherwise, Wineries may only sell wine of their own production under the requirements.

5. Who can I do private labels for? I'm a winery.

A winery may produce private labels for Spirits, Beer and Wine restaurants, Private Clubs, Grocery Stores, Beer and Wine Specialty Shops and Sports Entertainment Facilities.

6. I own a winery do I need an Agents License?

Only if you are using third party companies to promote your product.

7. Can we ship bulk wine out of state to be bottled and bring it back in? We also have a licensed winery in Oregon with a full bottling line that we can use if possible.

No. You may only ship wine out to change it into sparkling wine and bring it back into WA for resale.

8. What if I want to make only like 20 gallons of wine at home? do I need to be licensed?

No. Not if it’s only for personal consumption.
9. How long does it take for me to get my license to produce wine at home and start selling?

   The process overall could take some time as you must first complete the TTB process, which could take up to 6 months or longer. Then you would need to complete our process, which typically takes about 30-60 days.

10. Can I infuse my wine with marijuana?

    No.

**Brewery:**

11. Can we sell/fill growlers at farmers markets?

    No. Only factory sealed product can be sold with the exception of the two ounce samples per person per day.

12. What retail licenses can I have at a brewery?

    A Beer and Wine restaurant, Tavern or Spirits, Beer and Wine Restaurant

13. If I have a brewery, can I also operate a beer/wine restaurant somewhere other than my brewing location? Do I need a separate license?

    Yes, you may have a Beer and Wine restaurant, Spirits/Beer/Wine restaurants or a tavern at a separate location other than your production facility. A brewery is allowed up to two separate retail locations under the same entity structure. These separate locations do require their own licenses.

14. As a Brewery with a beer/wine restaurant privilege, can I contract with a food truck or another company to come into my space, instead of cooking our own food?

    No. You must meet all of the requirements of a bona fide restaurant and be able to provide food prepared from your licensed establishment.

15. Do I need to get a distributor license in addition to the brewery license to distribute?

    No. Self-distribution is built into our manufacture licenses.

16. As a brewery, are we able to cater at events?

    If the brewery has an additional retail privilege that allows for the catering endorsement then the brewery under that privilege would be allowed to cater events.

17. May I fill growlers at farmers markets?

    No. Only factory sealed product may be sold at farmer’s markets, with the exception of two ounce samples per person per day.

18. If we have a location in OR that produces certain brews, can we bring it in to our tap room in WA?

    The OR State producer would need to sell to the WA state retailer, and you would need to add a retail privilege to your license to resell the product.

19. I want to start brewing beer. I have a rundown shed on my property. Is this acceptable?
20. What kind of permits do I need for a farmers market that I want to sell my micro brews at?

You would need to apply for the proper farmer’s market endorsement associated with your license type.

21. Can I distribute other breweries’ product from my brewery? Or is it only on tap?

No. You may not distribute another producer’s product. You may offer another producers product on guest tap if it does not exceed 25% of your own taps.

**Distillery:**

22. Can I make moonshine in my home with a still for my friends and my family?

It is illegal to operate without a license, any still or other device for the production of spirituous liquor.

23. What does rectify mean?

Blending and redistilling.

**TTB and Federal Requirements:**

24. What if I have a contract production and get licensed as a TTB Wholesaler, would I still qualify as a producer?

No. In order to be qualified as a producer you must be federally approved by the TTB as a winery, brewery or distillery.

25. We don’t want to sign any contracts on a location we like until we know it will be an approved location, how can we be assured?

You will need to do the research to determine what the city or county codes and rules are as well as comply with TTB’s rules.

26. Why does the TTB take up to one year to be approved? That’s such a long time.

The TTB does not only work with WA State applicants and licensees and their process is much more in-depth.

27. Is there a percentage that I have to do/ I can contract out to still be in compliance?

There is no set amount of production that you need to do to contract produce. You must qualify as a producer in order to do this activity that means you need to produce some product.

28. Do TTB laws supersede WA State law?

No. WA State law dictates what you are able to do in WA State.

29. I want to bring Soju from Korea. What license do I need?

Questions and Answers-Winery, Brewery and Distillery WebEx June 2018
You must be federally licensed by Washington state and the TTB as a wholesaler or Importer.

**Misc.**

30. What is the difference between cider and wine?

   Cider has less than 8.5% ABV (alcohol by volume), wine has up to 24% ABV. Any wine that is over 24% ABV is considered a spirit.

31. How many wineries/breweries/distilleries are licensed in WA?

<table>
<thead>
<tr>
<th>License Type</th>
<th>Number Licensed</th>
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<tbody>
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<td>Winery</td>
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<tr>
<td>Fruit/Wine Distillery</td>
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32. Can I turn in my documents via mail or just email?

   You can use e-mail, mail, or fax. All are acceptable.

33. My spouse is not part of the LLC do you need my spouses information?

   Yes. The LCB qualifies spouses of all majority members of the entity.

34. How do I find out if certain alcohols are considered a wine or spirit?

   Revised Code of Washington 66.04.010 defines wine as any alcoholic beverage not exceeding 24% alcohol by volume, any wine over 24% ABV is considered a spirit.

35. Why can we only fill cider and not wine?

   Washington rules specifies that growlers may only be filled with cider then this would prohibit a wine product that is not defined as a cider.

36. May I distribute from a farmers market?

   No. Producers may not store spirits, wine or beer at a farmers market beyond the hours that it offers bottled spirits, wine or beer for sale, and may not act as a distributor from the market location.

37. Does our retail space have to be separate from our production area?

   Yes.

38. Can we share warehouses with other producers?

   If licensed in their own separate units, multiple licensees may be in the same warehouse. If the space is open without separation, you would not be able to share the premises.

39. Do you have to approve mobile applications?

   Yes. Mobile apps must be verified and qualified by the board and enforcement.

40. Do we need any additional license or permit to ship out of Washington?

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No. The manufacturer licenses allow for shipping out of state.

41. We are a mobile bottling company, do we need a liquor license?

There is no license available for a mobile bottling line. You would not need a license.

42. How long is processing with BLS?

Typically processing time with Business Licensing Services (BLS) is very quick unless the application is missing some information or fees.

43. Can we sell or fill growlers at farmers markets?

No. Only factory sealed product can be sold with the exception of the two ounce samples per person per day.

44. Do you have to provide food when providing samples?

If providing samples at a farmer’s market, then yes, food must be offered. If samples are offered at your production facility, then no, food would not need to be offered.

45. Do you have to hold a MAST permit when providing samples?

Yes. You must obtain a Mandatory Alcohol Server Permit (MAST) when providing alcohol samples.

46. What are some examples of approved applications?

Fintech (payment portal), Instacart (payment portal), HungerRush (Delivery), ECWID (Square) (payment portal)

End of the Questions.