

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](mailto: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?**

Depends on if the shed is able to meet city/county codes and rules as well as TTB standards.

**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?**

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?**

License Type	Number Licensed	License Type	Number Licensed
Winery	953	Growers	11
Tasting Rooms	243	Craft Distillery	92
Brewery	418	Fruit/Wine Distillery	9
Distillery	35		

**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?**

Questions and Answers-Winery, Brewery and Distillery WebEx June 2018

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 have 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.**