

AMENDATORY SECTION (Amending WSR 08-03-081, filed 1/16/08, effective 2/16/08)

WAC 314-11-025 What are the forms of acceptable identification? (1) (~~(Per RCW 66.16.040,)~~) Following are the forms of identification that are acceptable to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol:

(a) Driver's license, instruction permit, or identification card of any state, or province of Canada, from a U.S. territory or the District of Columbia, or "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

(b) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents, which may include an embedded, digital signature in lieu of a visible signature;

(c) Passport;

(d) Merchant Marine identification card issued by the United States Coast Guard; and

(e) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington driver's licenses.

(2) If the identification document has an expiration date, a person may not use the document after the expiration date to verify his or her age.

AMENDATORY SECTION (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

WAC 314-11-040 What duties can an employee under twenty-one years of age perform on a licensed premises? A person must be twenty-one years of age or older to be employed in the sale, handling, or service of liquor, except as provided in this chapter.

(1) Per RCW 66.44.340 and RCW 66.44.350, persons between eighteen and twenty-one years of age may perform the following duties:

	Duties 18, 19, and 20 year old employees may perform, as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor	Duties 18, 19, and 20 years old employees may not perform
(a) In a grocery store or beer/wine specialty shop:	<ul style="list-style-type: none"> ■ Sell, stock, and handle beer and wine; and ■ Deliver beer and/or wine to a customer's car with the customer (for the purposes of this rule, there is no minimum age requirement for an employee of a grocery store or a beer/wine speciality shop to deliver beer and/or wine to a customer's car with the customer). 	Supervise employees who sell, stock, or handle beer and/or wine.
<u>(b) In a spirits retail business:</u>	<ul style="list-style-type: none"> ■ <u>As long as there are at least two supervisors at least twenty-one years of age on duty, persons 18, 19, and 20 years old may sell, stock, and handle spirits.</u> ■ <u>Deliver spirits to a customer's car with the customer (for purposes of this rule, there is no minimum age requirement for an employee of a spirits retailer to deliver spirits to a customer's car with the customer).</u> 	<u>Supervise employees who sell, stock, or handle spirits.</u>
((b)) (c) In an establishment that sells liquor for on-premises consumption:	<ul style="list-style-type: none"> ■ Take orders for, serve, and sell liquor in areas classified as open to persons under twenty-one years of age; and 	Functions of a bartender, including:

	Duties 18, 19, and 20 year old employees may perform, as long as there is a person twenty-one years of age or older on duty supervising the sale of liquor	Duties 18, 19, and 20 years old employees may not perform
	<ul style="list-style-type: none"> ■ Enter areas designated as off-limits to persons under twenty-one years of age to perform duties such as picking up liquor for service in other parts of the establishment; cleaning up, setting up, and arranging tables; delivering messages; serving food; and seating patrons; provided the employee does not remain in the area any longer than is necessary to perform the duties. 	<ul style="list-style-type: none"> ■ Mixing drinks; ■ Drawing beer or wine from a tap; ■ Pouring beer or wine anywhere except at the patrons table; and ■ Providing an employee spirits, beer by the pitcher or glass, or wine by the carafe or glass for delivery to a customer.
<u>(d) In a spirits retail business:</u>		<u>Supervise employees who sell, stock, or handle spirits.</u>

(2) Per RCW 66.44.316 and 66.44.318, the following persons that are eighteen, nineteen, or twenty years of age may remain on licensed premises or portions of premises that are restricted from persons under twenty-one years of age, but only during the course of his or her employment:

(a) Persons performing janitorial services during the hours when there is no sale, service, or consumption of liquor on the premises;

(b) Employees of amusement device companies for the purpose of installing, maintaining, repairing, or removing any amusement device;

(c) Security or law enforcement officers and firefighters during the course of their official duties and if they are not the direct employees of the licensee; and

(d) Professional musicians, per WAC 314-11-045.

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

WAC 314-11-085 Do I have to sell liquor at a certain price?

(1) (~~(Retail)~~) Liquor licensees must sell beer, wine, and spirits

~~((to customers))~~ at or above the licensee's acquisition cost.

(2) An exception to this requirement is that on-premises retail licensees may give a customer a drink free of charge under limited circumstances, such as a customer's birthday or to compensate for unsatisfactory products or services. Free liquor may not be used in advertising or as part of a promotion.

AMENDATORY SECTION (Amending WSR 10-01-090, filed 12/16/09, effective 1/16/10)

WAC 314-11-097 Credit on nonliquor food items--Conditions--Recordkeeping. (1) Notwithstanding the provisions of WAC 314-12-140, persons licensed under RCW 66.24.200 as wine distributors and persons licensed under RCW 66.24.250 as beer distributors may sell at wholesale nonliquor food products on thirty days' credit terms to retailers. Complete and separate accounting records shall be maintained for a period of three years on all sales of nonliquor food products (~~((to ensure that such persons are in compliance with RCW 66.28.010))~~).

(2) Nonliquor food products include all food products for human consumption as defined in RCW 82.08.0293 as it exists on July 1, 1987, except that for the purposes of this section bottled water and carbonated beverages, whether liquid or frozen, shall be considered food products.

(3) For the purpose of this section, the period of credit is calculated as the time elapsing between the date of delivery of the product and the date of full legal discharge of the retailer, through the payment of cash or its equivalent, from all indebtedness arising from the transaction.

(4) If the board finds in any instance that any licensee has violated this section by extending or receiving credit in excess of the thirty days as provided for by this section, then all licensees involved shall be held equally responsible for such violation.

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

WAC 314-11-100 Can the board or another government agency seize liquor? Under the provisions of RCW 66.08.030 (~~((+2)(z))~~) (20), liquor enforcement officers and other peace officers are authorized to seize, confiscate, destroy or otherwise dispose of any liquor that is manufactured, sold, or offered for sale within the state in violation of the provisions of Title 66 RCW and/or Title 314 WAC.

AMENDATORY SECTION (Amending WSR 01-06-014, filed 2/26/01, effective 3/29/01)

WAC 314-11-105 What can the board do with lawfully seized liquor? (1) Per RCW 66.08.030 (~~((2)-(z))~~) (20) and chapter 66.32 RCW, the board may destroy lawfully seized liquor under the following conditions:

(a) The board must maintain a record of the type, brand, and amount of liquor seized for at least one year.

(b) The lawfully seized liquor may be destroyed only after:

(i) The board's charges of a violation of Title 66 RCW or board regulations have been sustained after an administrative proceeding pursuant to chapter 314-29 WAC as now or hereafter amended, in which the liquor to be destroyed has been the subject of, or evidence in, the administrative proceeding; or

(ii) The board's charges of a violation of Title 66 RCW or board regulations have been admitted or are not contested by the person from whom the liquor was seized and the liquor seized was the subject of the charged violation; or

(iii) The liquor was seized pursuant to lawful arrest and liquor was held as evidence in a criminal proceeding where a final disposition has been reached; or

(iv) When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine his or her right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.

(2) If the liquor lawfully seized is in its original, sealed container, the board may either:

(a) (~~Return the product to a state liquor store for discounted resale;~~) Sell the unopened beer, wine, or spirits to the distributor selling the product at a negotiated price. The bill of sale must be kept for three years; or

(b) Upon written request from a law enforcement agency, provide the liquor to the law enforcement agency for bona fide training.

WAC 314-11-110 What can government agencies other than the board do with lawfully seized liquor? Under the provisions of chapter 66.32 RCW, government agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquor as follows:

~~(1) ((The government agency may sell unopened, salable spirituous liquor, beer, and wine that was purchased from the board to the board under the following conditions:~~

~~(a) The government agency must provide the board with a listing of the liquor and make the liquor available for examination and review;~~

~~(b) The board will issue a purchase order for the liquor;~~

~~(c) When the government agency is from within the state of Washington and the liquor was originally purchased from the board, the board will pay the licensee price listed in the official board price list then in effect, less a handling charge of 13.5 percent.~~

~~(d) When the government agency is a federal agency, or when the government agency is from within the state of Washington but the liquor was not originally purchased from the board, or the liquor is no longer handled by the board, the board will pay a negotiated amount not to exceed ninety percent of the original approximate cost price from the distillery or manufacturer including federal tax and duty; and~~

~~(e) After receipt of the board purchase order, the government agency that is selling the liquor will invoice the board per the prices listed on the purchase order.~~

~~(2)) The government agency may sell opened containers of lawfully seized liquor back to the spirits, beer, and wine restaurant licensee from whom seized((, under the following conditions:~~

~~(a)) if the licensee is going out of business and the liquor will be used for the personal use of the licensee((~~

~~(b) The liquor must be sold at a negotiated price after the licensee pays the board an amount to be determined by the board in lieu of the spirit, beer, and wine restaurant discount and tax exemption in effect at that time. If the licensee does not purchase the opened bottles of liquor within the period of redemption, the liquor must be destroyed)).~~

~~((3)) (2) The government agency may sell unopened beer ((and/or)), wine, or spirits to the distributor selling the beer ((and/or)), wine, or spirits at a negotiated price((, per the procedures outlined in WAC 314-20-070 and 314-24-210, as now or hereafter amended. Copies)). A copy of the inventory and bill of sale must be ((furnished to the board)) kept for three years.~~

~~((4)) (3) The government agency may sell unopened salable wine and/or beer to appropriately licensed retailers at a negotiated price under the following conditions:~~

~~(a) The product must meet the quality standards set forth by its manufacturer((~~); and

(b) Copies of the inventory and bill of sale must be furnished the board.

~~((5))~~ (4) The government agency may ship the liquor out of the state of Washington.