

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5776

Chapter 192, Laws of 1991

52nd Legislature
1991 Regular Session

ALCOHOLIC BEVERAGE CONTROL--REVISED PROVISIONS

EFFECTIVE DATE: 7/28/91

Passed by the Senate April 22, 1991
Yeas 44 Nays 1

JOEL PRITCHARD
President of the Senate

Passed by the House April 1, 1991
Yeas 95 Nays 3

JOE KING
**Speaker of the
House of Representatives**

Approved May 15, 1991

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5776** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 15, 1991 - 11:46 a.m.

BOOTH GARDNER
Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5776

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senator McMullen).

Read first time March 6, 1991.

1 AN ACT Relating to alcoholic beverage control; amending RCW
2 66.04.010, 66.24.170, 66.24.210, and 9.46.0315.

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

4 **Sec. 1.** RCW 66.04.010 and 1987 c 386 s 3 are each amended to read
5 as follows:

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

(2) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

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

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

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(8) "Distiller" means a person engaged in the business of distilling spirits.

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

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to

1 transient guests, in which twenty or more rooms are used for the
2 sleeping accommodation of such transient guests and having one or more
3 dining rooms where meals are served to such transient guests, such
4 sleeping accommodations and dining rooms being conducted in the same
5 building and buildings, in connection therewith, and such structure or
6 structures being provided, in the judgment of the board, with adequate
7 and sanitary kitchen and dining room equipment and capacity, for
8 preparing, cooking and serving suitable food for its guests: PROVIDED
9 FURTHER, That in cities and towns of less than five thousand
10 population, the board shall have authority to waive the provisions
11 requiring twenty or more rooms.

12 (14) "Imprisonment" means confinement in the county jail.

13 (15) "Liquor" includes the four varieties of liquor herein defined
14 (alcohol, spirits, wine and beer), and all fermented, spirituous,
15 vinous, or malt liquor, or combinations thereof, and mixed liquor, a
16 part of which is fermented, spirituous, vinous or malt liquor, or
17 otherwise intoxicating; and every liquid or solid or semisolid or other
18 substance, patented or not, containing alcohol, spirits, wine or beer,
19 and all drinks or drinkable liquids and all preparations or mixtures
20 capable of human consumption, and any liquid, semisolid, solid, or
21 other substance, which contains more than one percent of alcohol by
22 weight shall be conclusively deemed to be intoxicating. Liquor does not
23 include confections or food products that contain one percent or less
24 of alcohol by weight.

25 (16) "Manufacturer" means a person engaged in the preparation of
26 liquor for sale, in any form whatsoever.

27 (17) "Malt beverage" or "malt liquor" means any beverage such as
28 beer, ale, lager beer, stout, and porter obtained by the alcoholic
29 fermentation of an infusion or decoction of pure hops, or pure extract
30 of hops and pure barley malt or other wholesome grain or cereal in pure

1 water containing not more than eight percent of alcohol by weight, and
2 not less than one-half of one percent of alcohol by volume. For the
3 purposes of this title, any such beverage containing more than eight
4 percent of alcohol by weight shall be referred to as "strong beer."

5 (18) "Package" means any container or receptacle used for holding
6 liquor.

7 (19) "Permit" means a permit for the purchase of liquor under this
8 title.

9 (20) "Person" means an individual, copartnership, association, or
10 corporation.

11 (21) "Physician" means a medical practitioner duly and regularly
12 licensed and engaged in the practice of his profession within the state
13 pursuant to chapter 18.71 RCW.

14 (22) "Prescription" means a memorandum signed by a physician and
15 given by him to a patient for the obtaining of liquor pursuant to this
16 title for medicinal purposes.

17 (23) "Public place" includes streets and alleys of incorporated
18 cities and towns; state or county or township highways or roads;
19 buildings and grounds used for school purposes; public dance halls and
20 grounds adjacent thereto; those parts of establishments where beer may
21 be sold under this title, soft drink establishments, public buildings,
22 public meeting halls, lobbies, halls and dining rooms of hotels,
23 restaurants, theatres, stores, garages and filling stations which are
24 open to and are generally used by the public and to which the public is
25 permitted to have unrestricted access; railroad trains, stages, and
26 other public conveyances of all kinds and character, and the depots and
27 waiting rooms used in conjunction therewith which are open to
28 unrestricted use and access by the public; publicly owned bathing
29 beaches, parks, and/or playgrounds; and all other places of like or

1 similar nature to which the general public has unrestricted right of
2 access, and which are generally used by the public.

3 (24) "Regulations" means regulations made by the board under the
4 powers conferred by this title.

5 (25) "Restaurant" means any establishment provided with special
6 space and accommodations where, in consideration of payment, food,
7 without lodgings, is habitually furnished to the public, not including
8 drug stores and soda fountains.

9 (26) "Sale" and "sell" include exchange, barter, and traffic; and
10 also include the selling or supplying or distributing, by any means
11 whatsoever, of liquor, or of any liquid known or described as beer or
12 by any name whatever commonly used to describe malt or brewed liquor or
13 of wine, by any person to any person; and also include a sale or
14 selling within the state to a foreign consignee or his agent in the
15 state. "Sale" and "sell" shall not include the giving, at no charge,
16 of a reasonable amount of liquor by a person not licensed by the board
17 to a person not licensed by the board, for personal use only. "Sale"
18 and "sell" also does not include a raffle authorized under RCW
19 9.46.0315: PROVIDED, That the nonprofit organization conducting the
20 raffle has obtained the appropriate permit from the board.

21 (27) "Soda fountain" means a place especially equipped with
22 apparatus for the purpose of dispensing soft drinks, whether mixed or
23 otherwise.

24 (28) "Spirits" means any beverage which contains alcohol obtained
25 by distillation, including wines exceeding twenty-four percent of
26 alcohol by volume.

27 (29) "Store" means a state liquor store established under this
28 title.

1 (30) "Tavern" means any establishment with special space and
2 accommodation for sale by the glass and for consumption on the
3 premises, of beer, as herein defined.

4 (31) "Vendor" means a person employed by the board as a store
5 manager under this title.

6 (32) "Winery" means a business conducted by any person for the
7 manufacture of wine for sale, other than a domestic winery.

8 (33) "Domestic winery" means a place where wines are manufactured
9 or produced within the state of Washington.

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

29 This subsection shall not be interpreted to require that any wine
30 be labeled with the designation "table wine" or "fortified wine."

(35) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(36) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

Sec. 2. RCW 66.24.170 and 1982 c 85 s 4 are each amended to read as follows:

(1) There shall be a license to domestic wineries; fee to be computed only on the liters manufactured: One hundred thousand liters or less per year, one hundred dollars per year; over one hundred thousand liters to seven hundred fifty thousand liters per year, four hundred dollars per year; and over seven hundred fifty thousand liters per year, eight hundred dollars per year.

(2) Any applicant for a domestic winery license shall, at the time of filing application for license, accompany such application with a license fee based upon a reasonable estimate of the amount of wine liters to be manufactured by such applicant. Persons holding domestic winery licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine manufactured by them during the fiscal year. If the total amount of wine manufactured during the year exceeds the amount permitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in this section.

(3) Any domestic winery licensed under this section shall also be considered as holding, for the purposes of selling or importing

wine((s)) of its own production, a current wine wholesaler's license under RCW 66.24.200, a wine importer's license under RCW 66.24.204, and a wine retailer's license, class F, under RCW 66.24.370 without further application or fee. Any winery operating as a wholesaler, importer, or retailer under this subsection shall comply with the applicable laws and rules relating to ((such)) wholesalers, importers, and retailers.

(4) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine shall be deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

Sec. 3. RCW 66.24.210 and 1989 c 271 s 501 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction

1 thereof. If this tax be collected by means of stamps, every such
2 person shall procure from the board revenue stamps representing the tax
3 in such form as the board shall prescribe and shall affix the same to
4 the package or container in such manner and in such denomination as
5 required by the board and shall cancel the same prior to the delivery
6 of the package or container containing the wine to the purchaser. If
7 the tax is not collected by means of stamps, the board may require that
8 every such person shall execute to and file with the board a bond to be
9 approved by the board, in such amount as the board may fix, securing
10 the payment of the tax. If any such person fails to pay the tax when
11 due, the board may forthwith suspend or cancel the license until all
12 taxes are paid.

13 (2) An additional tax is imposed equal to the rate specified in RCW
14 82.02.030 multiplied by the tax payable under subsection (1) of this
15 section. All revenues collected during any month from this additional
16 tax shall be transferred to the state general fund by the twenty-fifth
17 day of the following month.

18 (3) An additional tax is imposed on wines subject to tax under
19 subsection (1) of this section, at the rate of one-fourth of one cent
20 per liter for wine sold after June 30, 1987. Such additional tax shall
21 cease to be imposed on July 1, 1993. All revenues collected under this
22 subsection (3) shall be disbursed quarterly to the Washington wine
23 commission for use in carrying out the purposes of chapter 15.88 RCW.

24 (4) Until July 1, 1995, an additional tax is imposed on all wine
25 subject to tax under subsection (1) of this section. The additional
26 tax is equal to twenty-three and forty-four one-hundredths cents per
27 liter on fortified wine (~~((containing alcohol in an amount equal to or~~
28 ~~more than fourteen percent by volume))~~ as defined in RCW 66.04.010(34)
29 when bottled or packaged by the manufacturer and one cent per liter on
30 all other wine. All revenues collected during any month from this

1 additional tax shall be deposited in the drug enforcement and education
2 account under RCW 69.50.520 by the twenty-fifth day of the following
3 month.

4 **Sec. 4.** RCW 9.46.0315 and 1987 c 4 s 27 are each amended to read
5 as follows:

6 Bona fide charitable or bona fide nonprofit organizations organized
7 primarily for purposes other than the conduct of raffles, are hereby
8 authorized to conduct raffles without obtaining a license to do so from
9 the commission when such raffles are held in accordance with all other
10 requirements of this chapter, other applicable laws, and rules of the
11 commission; when gross revenues from all such raffles held by the
12 organization during the calendar year do not exceed five thousand
13 dollars; and when tickets to such raffles are sold only to, and winners
14 are determined only from among, the regular members of the organization
15 conducting the raffle. The organization may provide unopened
16 containers of beverages containing alcohol as raffle prizes if the
17 appropriate permit has been obtained from the liquor control board:
18 PROVIDED, That the term members for this purpose shall mean only those
19 persons who have become members prior to the commencement of the raffle
20 and whose qualification for membership was not dependent upon, or in
21 any way related to, the purchase of a ticket, or tickets, for such
22 raffles.

Passed the Senate April 22, 1991.

Passed the House April 1, 1991.

Approved by the Governor May 15, 1991.

Filed in Office of Secretary of State May 15, 1991.