



Notice of Permanent Rules for Special Occasion Licenses Off-Premises Sales

This explanatory statement concerns the **Washington State Liquor Control Board's adoption of WAC 314-16-230 which limits the amount of wine a special occasion licensee is allowed to sell to any one person attending a special occasion event.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Liquor Control Board will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately April 6, 2013).

The Liquor Control Board appreciates your involvement in this rule making process. If you have any questions, please contact Karen McCall, Rules Coordinator, at (360) 664-1631 or e-mail at rules@liq.wa.gov.

What are the agency's reasons for adopting this rule?

The Washington Wine Institute (WWI) petitioned the board requesting WAC 314-16-230(2) be repealed. The rule restricts a special occasion licensee from selling more than 12 liters of wine to any person attending the event.

This restriction limits the fundraising ability of these non-profit organizations. This restriction effectively creates a cap on the amount non-profit organizations can raise per person at an event. This rule does not serve a public safety, over-consumption, or other legitimate regulatory purpose. Wine sold under this rule is required to be for off-premises consumption only, so these should not be a risk to over-consumption at special occasion events.

Summary of all public comments received on this rule proposal.

One comment was received at the public hearing held on February 27, 2013, from Jean Leonard, Washington Wine Institute, in support of this rulemaking. Six written comments were received in support of this rulemaking.

WAC Changes

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-16-230 Authorization for sale of beer and/or wine in unopened bottles for off-premises consumption under special occasion license. ~~((1))~~ Authorization for the sale of unopened bottles and original packages of beer and/or wine not to be consumed on the premises where sold, as authorized by RCW 66.24.380, must be applied for to the board at the time the society or organization makes application for the special occasion license, and the board's written approval is required before any such sales are made.

~~((2) Board approval for the sales authorized in subsection (1) of this section shall be granted by the board upon the condition that no more than twelve liters of beer and/or wine may be sold to any one purchaser under a single special occasion license.)~~

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020,
66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300,
66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200,
66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244,
66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400,
66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455,
66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050,
66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310,
66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, §
314-16-230, filed 9/2/98, effective 10/3/98. Statutory
Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85,
Resolution No. 94), § 314-16-230, filed 10/28/81.]