

CHAPTER 158.

[H. B. 148.]

MANUFACTURE AND SALE OF WINE.

AN ACT relating to the manufacture and sale of wine, providing for the licensing of wineries and the taxation of wine, and amending chapter 62, Laws of the Extraordinary Session, 1933, entitled: "An act relating to intoxicating liquors, providing for the control and regulation thereof, creating state offices, defining crimes and providing penalties therefor, providing for the disposition of public funds and declaring that this act shall take effect immediately."

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 3 of chapter 62, Laws of the Extraordinary Session, 1933, be and the same is hereby amended to read as follows:

Amends
§ 3, ch. 62,
Laws of
1933.

Definitions.

Section 3. In this act, unless the context otherwise requires:

"Alcohol."

"Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

"Beer."

"Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four per cent (4%) of alcohol by weight, and not less than one-half of one per cent ($\frac{1}{2}$ of 1%) of alcohol by volume. For the purposes of this act any such beverage, including ale, stout and porter, containing more than four per cent (4%) of alcohol by weight shall be referred to as "strong beer."

"Brewer."

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

“Board” means the liquor control board, constituted under this act. “Board.”

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

“Consume” includes the putting of liquor to any use, whether by drinking or otherwise. “Consume.”

“Dentist” means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to sections 10030-10038, Remington’s Revised Statutes. “Dentist.”

“Distiller” means a person engaged in the business of distilling spirits. “Distiller.”

“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 sections 10126-10146, Remington’s Revised Statutes. “Druggist.”

“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 drug store is open. “Drug store.”

“Employee” means any person employed by the board, including a vendor, as hereinafter in this section defined. “Employee.”

“Fund” means ‘liquor revolving fund.’ “Fund.”

“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 transient guests, in which twenty (20) or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connec- “Hotel.”

tion therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: *Provided further*, That in cities and towns of less than five thousand (5,000) population, the board shall have authority to waive the provisions requiring twenty (20) or more rooms.

"Imprisonment."

"Imprisonment" means confinement in the county jail.

"Interdicted person."

"Interdicted person" means a person declared an habitual drunkard pursuant to section 1708-1715, Remington's Revised Statutes, or a person to whom the sale of liquor is prohibited by an order of interdiction filed with the board pursuant to this act.

"Liquor."

"Liquor" includes the four (4) varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spiritous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, solid, or other substance, which contains more than one per cent (1%) of alcohol by weight shall be conclusively deemed to be intoxicating.

"Manufacturer."

"Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

"Malt liquor."

"Malt liquor" means beer, strong beer, ale, stout and porter.

"Package."

"Package" means any container or receptacle used for holding liquor.

"Permit."

"Permit" means a permit for the purchase of liquor under this act.

“Person” means an individual, copartnership, association, or corporation. “Person.”

“Physician” means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to sections 10008-10025, Remington’s Revised Statutes. “Physician.”

“Prescription” means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this act for medicinal purposes. “Prescription.”

“Public place” includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this act, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public, and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public. “Public place.”

“Regulations” means regulations made by the board under the powers conferred by this act. “Regulations.”

“Restaurant” means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains. “Restaurant.”

"Sale and sell."

"Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

"Soda fountain."

"Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

"Spirits."

"Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen per cent (17%) of alcohol by weight.

"Store."

"Store" means a state liquor store established under this act.

"Tavern."

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

"Vendor."

"Vendor" means a person employed by the board as a store manager under this act.

"Winery."

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

"Domestic winery."

"Domestic winery" means a place where wines are manufactured or produced within the State of Washington from fruits or fruit products grown exclusively and entirely within the State of Washington.

"Wine."

"Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen per cent (17%) of alcohol by weight, including sweet wines fortified

with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen per cent (17%) of alcohol by weight.

“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 act, or who represents such brewer or brewery as agent.

“Beer wholesaler.”

“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 act, or who represents such vintner or winery as agent.

“Wine wholesaler.”

SEC. 2. That section 23 of chapter 62 of the Laws of the Extraordinary Session of 1933, the same being section 7306-23 of Rem. Rev. Stat., be amended and the subsections thereof renumbered to read as follows:

Amends § 23, ch. 62, Laws of 1933.

Section 23. There shall be the following classes of licenses, at the annual license fees hereinafter set forth:

Classes of licenses: fees for.

1. License to manufacturers of liquor, including all kinds of manufacturers except distillers, brewers, and wineries and domestic wineries; fee: \$1,000.00.

Manufacturers.

2. License to manufacturers of malt liquor; fee based on the preceding calendar year’s production, at the rate of \$50.00 per thousand barrels annual production or fraction thereof, with a minimum fee of \$250.00.

Malt liquor.

3. License to wineries; fee: \$25.00; License to domestic wineries; fee: \$5.00.

Wineries.

4. License to distillers, including blending, rectifying and bottling; fee: \$2,500.00: *Provided*, That the board shall license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of \$10.00: *Provided, further*, That the board shall license stills used and to be used

Distillers.

Chemist use for laboratory purposes.

solely and only for laboratory purposes in any school, college or educational institution in the state, without fee: *Provided, further,* That the board shall license stills which shall have been duly licensed as fruit and/or wine distilleries by the Federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of \$50.00.

Educational purposes.

Federal government.

Beer brewers, wholesalers.

5. License to brewers and beer wholesalers to sell beer, manufactured within or without the state, to licensed wholesalers and/or to holders of retail licenses under subsection 6, 7, 8, 11, 12, and 14 hereof; fee: \$250.00; for each distributing unit.

Inclusion.

For the purpose of this act brewers and beer wholesalers whose products are sold by licensees in this state, but whose plant or principal place of business is located elsewhere, shall be deemed to be beer wholesalers within the provisions of this act and shall obtain wholesalers' licenses and appoint statutory agents in this state, upon whom process may be served.

Passenger trains.

6. License to dining, club, and buffet cars on passenger trains to serve such liquors as may be permitted to be served by the individual glass or opened bottle at retail, for consumption on the premises only, under the provisions of this act, by restaurants, hotels, and others of a similar class; which license shall be issued to any corporation, association or person operating any such car within the state upon payment of a fee of one hundred fifty dollars (\$150.00), which shall be a master license, and shall permit such sale upon one such car; and upon payment of the additional sum of five dollars (\$5.00) per car, such license shall extend to additional cars operated by the same licensee within the state, and duplicate licenses for such additional cars shall be issued: *Provided,* That such licensee may

Restaurants, hotels.

make such sales upon cars in emergency for not more than five consecutive days without such license. Emergency.

7. Retailer's license, Class A. License to sell beer by the individual glass or opened bottle at retail, for consumption on the premises only; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and aeroplanes, and to clubs. Retailer's license, Class A.

8. Retailer's license, Class B. License to sell beer by the individual glass or opened bottle at retail, for consumption on the premises only; such license to be issued only to a person operating a tavern. Class B.

9. Retailer's license, Class C. License to sell wine by the individual glass or opened bottle at retail, for consumption on the premises only; such license to be issued to hotels, restaurants, dining places on boats and aeroplanes, clubs, and to taverns. Class C.

10. Classification—The fees for Class A and B retail licenses issued under subsections 7 and 8 hereof, in cities and towns, shall be graduated according to the population thereof, as follows: Classification, Class A and B.

Cities and towns of less than 10,000; fee: \$50.00; Fees for.
 Cities and towns of 10,000 and less than 100,000; fee: \$100.00;

Cities and towns of 100,000 or over; fee: \$150.00;

Fees for licenses issued under subsections 7 and 8 hereof, outside the limits of cities and towns shall be \$150.00.

The fee for Class C retail license issued under subsection 9 hereof, in cities and towns, shall be graduated according to the population thereof, as follows:

Cities and towns of less than 10,000; fee: \$37.50;

Cities and towns of 10,000 and less than 100,000; fee: \$75.00;

Cities and towns of 100,000 or over; fee: \$112.50;
 Fees for licenses issued under subsection 9
 hereof, outside the limits of cities or towns shall be
 \$112.50.

Class D.

11. Retailer's license, Class D. License to sell pasteurized beer by the opened bottle at retail, for consumption upon the premises only, such license to be issued to hotels, restaurants, dining places on boats and aeroplanes, clubs, drug stores, or soda fountains, and such other places where the sale of beer is not the principal business conducted; fee: \$50.00.

Class E.

12. Retailer's License, Class E. License to sell pasteurized beer at retail in bottles and original packages, not to be consumed upon the premises where sold, at any store other than the state liquor stores; fee: \$10.00 for each store.

Class F.

13. Retailer's License, Class F. License to sell wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: *Provided*, Such licensee shall pay to the state liquor stores for such wines the current retail price; fee: \$10.00;

Class G.

14. Retailer's License, Class G. Special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee: \$5.00 per day.

Club
 licenses.

15. License to clubs, entitling each member of the club to keep on the premises a reasonable quantity of liquor for personal consumption on the premises: *Provided*, That no club shall be entitled to such a license:

Require-
 ments for.

a. Unless such club had been in operation at least three years prior to the effective date of this act, or, the club, being thereafter formed, had been in continuous operation for at least one year immediately prior to the date of its application for such

license: *Provided*, That by unanimous vote the board may waive the provisions of this subsection;

b. Unless the club premises be constructed and equipped, conducted, managed and operated to the satisfaction of the board and in accordance with this act and the regulations made thereunder;

c. Unless the board shall have determined pursuant to any regulations made by it with respect to clubs, that such club is a bona fide club; fee: \$100.00.

SEC. 3. That section 24 of chapter 62 of the Laws of the Extraordinary Session of 1933 of the State of Washington, the same being section 7306-24 of Rem. Rev. Stat. be amended by adding a new section to follow immediately after section 24 to be known as section 24A to read as follows:

Amends
and adds to
§ 24, ch. 62,
Laws of
1933.

Section 24A. All wines manufactured or produced in domestic wineries may be sold by the manufacturer or producer thereof direct to persons holding licenses entitling them to sell wine at retail under the provisions of this act. There is hereby imposed upon all wines manufactured or produced in domestic wineries and sold to retail licensees within the state a tax of ten cents per wine gallon. The tax herein provided for shall be collected by means of stamps to be furnished by the board. Every person selling wine under the provisions of this section shall report all sales to the board in such manner, at such times and upon such forms as may be prescribed by the board in accordance with section 25. Every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser, and any person who shall sell, or attempt to sell wine not produced exclusively and entirely from products

Sale of
wine.

Tax on wine.

Report of
sales.

Revenue
stamps.

Violation. grown in the state, under this section shall be guilty of a violation of this act, and his license shall be summarily cancelled by the board.

Distinctive label. Every domestic winery shall put upon all packages containing wine manufactured by it a distinctive label in accordance with section 45 and in addition such label shall show whether or not such wine is fortified or unfortified and the label shall contain a statement that the wine was produced exclusively and entirely from products grown in the State of Washington.

Amends § 42, ch. 62, Laws of 1933. SEC. 4. That section 42 of chapter 62, Laws of the Extraordinary Session, 1933 be and the same is hereby amended to read as follows:

Restriction on sale of liquor. Section 42. No person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor: *Provided*, That nothing in this act shall prevent any brewer, brewery, or wholesaler, by his or its authorized agent, from soliciting orders from holders of licenses to sell beer under section 23 of this act: *Provided, further*, That nothing in this act contained shall prevent any domestic winery, its proprietors, agents and employees from soliciting orders of persons holding licenses entitling them to sell wine at retail. Nothing in this section contained shall apply to agents dealing with the board or to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

Orders for beer.

Soliciting of orders for wine.

Exception.

Passed the House March 14, 1935.

Passed the Senate March 13, 1935.

Approved by the Governor March 21, 1935.