



# COVID-19 ALCOHOL ALLOWANCES— HB 1480 RULEMAKING

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**Washington State Liquor and Cannabis Board**

July 15, 2021

# HB 1480 OVERVIEW

- Extending certain temporary allowances granted to liquor licensees to mitigate the impact of the coronavirus (COVID-19) pandemic.
- **Effective Date:** April 14, 2021
- **Expiration:** The law allows certain allowances to continue **until June 30, 2023.**
- **Study/Report to Legislature:** The law requires WSLCB to hire an independent entity to study the impacts of the temporarily authorized activities. A report must be submitted to the Legislature **by December 1, 2022.**

CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1480

Chapter 48, Laws of 2021

67th Legislature  
2021 Regular Session

LIQUOR LICENSEE PRIVILEGES—EXTENSION

EFFECTIVE DATE: April 14, 2021

<p>Passed by the House February 25, 2021 Yeas 86 Nays 12</p> <p style="text-align: center;">_____ LAURIE JINKINS Speaker of the House of Representatives</p> <p>Passed by the Senate March 29, 2021 Yeas 46 Nays 3</p> <p style="text-align: center;">_____ DENNY HECK President of the Senate</p> <p>Approved April 14, 2021 3:31 PM</p> <p style="text-align: center;">_____ JAY INSLEE Governor of the State of Washington</p>	<p style="text-align: center;">CERTIFICATE</p> <p>I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is <b>ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1480</b> as passed by the House of Representatives and the Senate on the dates hereon set forth.</p> <p style="text-align: center;">_____ BERNARD DEAN Chief Clerk</p> <p style="text-align: center;">FILED April 15, 2021</p> <p style="text-align: center;">_____ Secretary of State State of Washington</p>
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# HB 1480 OVERVIEW

## ALCOHOL “TO-GO” ALLOWANCES AUTHORIZED BY HB 1480

<b>Cocktails &amp; Wine by the Glass</b>	Spirits, Beer, and Wine Restaurants may sell cocktails (premixed or as a kit, including both spirits and wine) and wine by the glass for curbside, takeout, or delivery. Beer and Wine Restaurants may sell premixed wine drinks and wine by the glass for curbside, takeout, or delivery.
<b>Growlers</b>	Licensees previously allowed to sell growlers may sell them through curbside, takeout, or delivery. Beer/Wine Specialty Shops and Breweries may sell prefilled growlers through curbside, takeout, or delivery, if filled and sold on the same day.
<b>Other Alcohol Products</b>	Restaurants, taverns, wineries, breweries, distilleries, snack bars, nonprofit arts licensees, and caterers may sell manufacturer sealed alcohol products that they were previously authorized to sell under the terms of their license for curbside, takeout, or delivery.

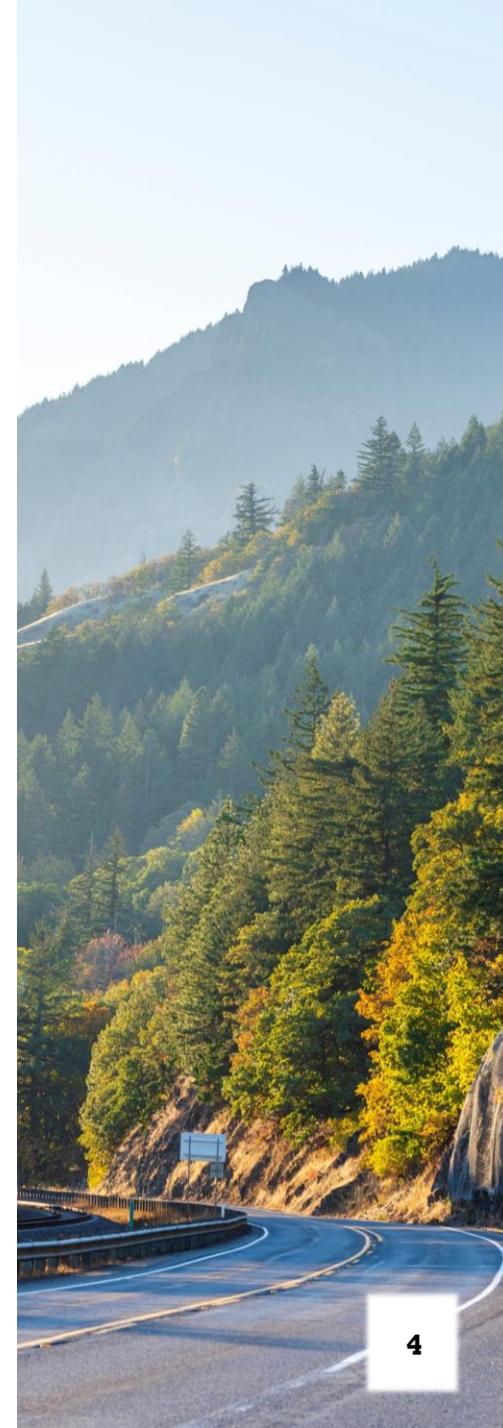
*\*Licensees must obtain an endorsement from the WSLCB in order to engage in these activities. There is no fee for these endorsements.*

# PHASES OF THE RULEMAKING PROCESS

- **The Inquiry Phase (CR-101)**
  - Stakeholder Engagement
  - Rule Development, Drafting, and Analysis
- **The Proposal Phase (CR-102)**
  - Public Hearing/Comments
  - Agency Responds to Comments
- **The Adoption Phase (CR-103)**
  - Board Votes to Approve Rules
  - Rules Become Effective

There are typically three phases in agency rulemaking: inquiry, proposal, and adoption.

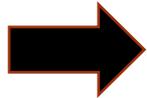
The rule development process may take several months to a couple of years to complete, depending on WSLCB resources, complexity of the issue, availability of data or information to complete any required analyses, and public interest in the rule.



# HB 1480 – ESTIMATED RULEMAKING TIMELINE

## The Inquiry Phase (CR-101)

May 12, 2021	CR 101 approved by the WSLCB and filed with the Office of the Code Reviser as WSR 21-11-035.
June 02, 2021	Notice published in the Washington State Register under WSR 21-11.
July 02, 2021	Initial comment period ended.
August 2021	Draft conceptual rules are shared publicly through GovDelivery, and Listen and Learn sessions are held to gather public feedback. (Following the Listen and Learn sessions, the WSLCB will review public feedback and consider whether to revise the draft conceptual rules before filing a CR 102 and moving to the rule proposal phase.)



# HB 1480 – ESTIMATED RULEMAKING TIMELINE

## The Proposal Phase (CR-102)

September 22, 2021	WSLCB Staff will ask the Board for approval to file proposed rules (CR 102). If approved, the WSLCB webpage will be updated and notice will be circulated to the rules distribution list through GovDelivery. Formal comment period will begin.
October 6, 2021	Notice published in the Washington State Register under WSR 21-19.
October 27, 2021	Public hearing held and formal comment period ends.

## The Adoption Phase (CR-103)

November 10, 2021	WSLCB Staff will ask the Board to adopt final rules (CR 103), if no substantive changes need to be made to the rule proposal. A concise explanatory statement will be provided to individuals offering comment during the formal comment period under RCW 34.05.325. The CR 103 and adopted rules will be filed with the Office of the Code Reviser. The WSLCB webpage will be updated and notice will be circulated to the rules distribution list through GovDelivery.
December 11, 2021	The rules are effective 31 days after filing unless otherwise specified. See RCW 34.05.380(2).

# POTENTIAL SAFEGUARDS CONSIDERED

The WSLCB is considering including a number of safeguards in rule to implement the alcohol “to-go” allowances authorized by HB 1480. *Some highlights include:*

## Container Requirements for Cocktails & Wine by the Glass “To-Go”

- Cocktails and wine by the glass sold through curbside, takeout, or delivery must be:
  - Packaged in a container that has been sealed in a manner designed to prevent consumption without removal of the tamper-evident lid, cap, or seal. “Tamper-evident” means a lid, cap, or seal that visibly demonstrates when a container has been opened. Tape is not a tamper-evident seal.

### AND

- Placed in the trunk of the vehicle or beyond the immediate reach of the driver in compliance with open container requirements in RCW 46.51.519 before being transported off the licensee’s premises.

## Labels

- The containers for cocktails & wine by the glass sold “to-go” must be clearly marked or labeled with the words **“CONTAINS ALCOHOL, FOR PERSONS 21+”**. The words must be of a size that is legible and readily visible.
- If enclosed inside a bag, box, or other packaging, the exterior of the bag, box, or other packaging must be clearly marked or labeled with the words **“CONTAINS ALCOHOL, FOR PERSONS 21+”** in a size that is legible and readily visible.



# POTENTIAL SAFEGUARDS CONSIDERED

- Examples of containers that are **allowed**:
  - Containers with a screw top cap or lid that breaks apart when the container is opened.
  - Containers with a plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid to form a seal that must be broken when the container is opened.
  - Vacuum or heat-sealed pouches without holes or openings for straws.



- Examples of containers that are **not allowed**:
  - Containers with lids with sipping holes or openings for straws.
  - Containers such as styrofoam, paper, or plastic cups that lack a tamper-evident lid, cap, or seal.



This is not a comprehensive list of examples.

# POTENTIAL SAFEGUARDS CONSIDERED

## ■ Delivery Requirements for Cocktails & Wine by the Glass “To-Go”

- Delivery must be made by an employee of the licensed business who is at least 21 years of age and holds a class 12 mandatory alcohol server training (MAST) permit under chapter 314-17 WAC. **Delivery may not be made by third party service providers.**
- At the time of delivery, the employee making the delivery must verify that the person receiving the delivery is at least 21 years of age using an acceptable form of identification in WAC 314-11-025. Upon delivery of the alcohol product, **the signature of the person age 21 or over receiving the delivery must be obtained.**
- If no person age 21 or over is present to accept the alcohol product at the time of delivery, the alcohol product must be returned. **An alcohol product may not be left unattended at a delivery location.**
- Delivery of an alcohol product may not be made to any person who shows signs of intoxication. See RCW 66.44.200.



# POTENTIAL SAFEGUARDS CONSIDERED



## ■ Mandatory Signage for all Alcohol “To-Go”

- Will be designed to remind customers that they must comply with public consumption and open container laws and rules (e.g. RCW 66.44.100 and 46.61.519.)
- Must be posted in plain view at: (A) the main entrance to the area of the premises where alcohol products are sold; and (B) the areas of the premises where customers pick up alcohol products for takeout, curbside, or delivery service.
- Signs will be provided electronically to licensees by the WSLCB.

## To-Go Cocktails Safety Requirements



Customers: Please abide by the requirements and prohibitions for to-go cocktails.



Please keep to-go cocktails outside of the driver's compartment.



Opening or consuming to-go cocktails in a motor vehicle is prohibited.



Public consumption of to-go cocktails is prohibited.

LIQ ### Date

**DRAFT**

# RESOURCES

## *WSLCB Alcohol Allowance Guidance*

- **COVID-19 Guidance for Licensees with Alcohol Privileges:**  
[https://lcb.wa.gov/covid19/covid-19\\_alcohol\\_licensee\\_guidelines](https://lcb.wa.gov/covid19/covid-19_alcohol_licensee_guidelines)

## *WSLCB Rulemaking Resources*

- **Current Rulemaking Activity:** <https://lcb.wa.gov/laws/current-rulemaking-activity>
- **Rulemaking Process—Phases:** <https://lcb.wa.gov/laws/rulemaking-process-phases>
- **Rulemaking FAQs:** <https://lcb.wa.gov/laws/rulemaking-faqs>

## *HB 1480—Bill Information*

- **WSLCB Legislative Fact Sheet on E2SHB 1480:** <https://lcb.wa.gov/laws/legislative-facts-and-sheets>
- **Washington State Legislature—Bill Information—HB 1480:**  
<https://app.leg.wa.gov/bills/bills/BillNumber=1480&Year=2021&Initiative=false>
- **Session Law Text—E2SHB 1480:** <http://lawfilesexternal.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1480-S2.SL.pdf?q=20210601103637>



# Questions



# Thank You

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