# Washington State Liquor Act

As amended by Laws of 1935

## With Revised Rules and Regulations

Members of Washington State Liquor Control Board

L. E. GREGORY, Chairman

W. J. LINDBERG HENRY GREGERSON

DEFENDANT'S EXHIBIT
CASE NO. C04-0360P
EXHIBIT NO. 413

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# FOREWORD

**Governor Martin, on his appointment of the members of the Washington State Liquor Control Board, made the following interpretation of the purpose and spirit of the state liquor plan:**

The importance of the Washington State Liquor Act is in that it is supposed to be conducive to temperance. It is not the purpose of this law to encourage anything other than temperance. Unlike many other businesses, you are not expected to promote sales. Instead of promoting the sale of liquor, you want to discourage the sale and use of liquor. Your function is only to make good liquor available to the people under proper conditions.

You will, however, have opposition and obstruction. But this opposition will not come from the general run of the people, who seemingly are disposed to give this system a fair trial. The opposition and obstruction will come from those who want to profit from this law or from the liquor traffic. In other words, no matter how it may look on the surface, investigation will trace the objections to profiteers, bootleggers and racketeers. I mention this because I know what is behind and in the minds of those who would undermine us and destroy the public faith in state control. We must remember that the liquor traffic lends itself to racketeering and corruption. So it is up to us to be on guard and to keep ourselves clean. Let it not be said that any of us lended himself to any questionable act or purpose. Let us take the people into our confidence and the people will sustain and uphold the system of state control.

Let us remember, too, that the Washington State Liquor Act is an experiment. This law is not perfect and no one offers it as such. It will be up to you to administer it capably and practically, and undoubtedly, as time goes on, experience itself will dictate some changes as a necessity. Not only should you administer the law as you find it, but also you should be watchful for betterments and improvements in accordance with the wishes of the people that the legislature may give from time to time.

Finally, gentlemen, your problems are great—no commission of Washington has been given greater responsibility. You have no pattern to follow. You must chart a new course. It is your duty to sense what the people want, and give it to them in so far as it is permitted under this law. If you give the people that sort of an administration, the people will be satisfied. I feel we are entering on one of the most momentous problems this state has ever undertaken. Success or failure will depend on you and me. We will be held accountable if we fail. We cannot ignore the responsibility, we cannot shirk the responsibility, and I know you are willing to join me in shouldering the responsibility. Yet it is heartening to know that the people trust us and expect us to do a good job. Let us not fail that trust.

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Laws 1933 Special Session
Chapter 62.
As Amended by Laws of 1935

# WASHINGTON STATE LIQUOR ACT

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:*

## TITLE

**Section 1.** This act may be cited as the "Washington State Liquor Act."

## PURPOSE OF ACT

**Sec. 2.** This entire act shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose.

## GENERAL DEFINITIONS

**Sec. 3.** In this act, unless the context otherwise requires: "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" 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 (½ of 1%) of alcohol by volume. For the purpose 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" means any person engaged in the business of manufacturing beer and malt liquor.

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

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

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


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"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.

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

"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.

"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.

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

"Fund" means 'liquor revolving 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 connection 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 (5000) population, the board shall have authority to waive the provisions requiring twenty (20) or more rooms.

"Imprisonment" means confinement in the county jail.

"Interdicted person" means a person declared an habitual drunkard pursuant to sections 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" includes the four (4) varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, 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" means a person engaged in the preparation of liquor for sale, in any form whatsoever.



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

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

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

"Person" means an individual, copartnership, association, or corporation.

"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.

"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.

"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.

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

"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.

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

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

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

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

"Winery" means a business conducted by any person for the manufacture of wine for sale, *other than a 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" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural products 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.

"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. (*Sec. 3, as amended by Laws of 1935, H. B. 148, effective June 13, 1935.*)

## ESTABLISHMENT OF STATE LIQUOR STORES—PRICES FIXED

Sec. 4. 1. There shall be established at such places throughout the state as the liquor control board, constituted under this act, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this act and the regulations: *Provided,* That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed twenty-five per cent.

## ETHYL ALCOHOL

2. The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a federal permit.

3. The liquor control board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or



institution of the State of Washington, Federal Government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

4. The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

## BOARD TO ADMINISTER ACT

Sec. 5. The administration of this act, including the general control, management and supervision of all state liquor stores, shall be vested in the liquor control board, constituted under this act.

## "VENDORS" IN CHARGE OF STORES

Sec. 6. The sale of liquor at each state liquor store shall be conducted by a person employed under this act to be known as a "vendor," who shall, together with the employees under his direction, under the regulations of the board, be responsible for the carrying out of this act and the regulations, so far as they relate to the conduct of the store and the sale of liquor thereat.

## LIMITATIONS ON SALES AT STORES

Sec. 7. 1. An employee in a state liquor store may sell to any person who is the holder of a subsisting permit such liquor as that person is entitled to purchase under his permit.

2. No liquor sold under this section shall be delivered until

a. The purchaser has given a written order to the employee, dated and signed by the purchaser, and stating the number of his permit and the nature and quantity of the liquor ordered; and

b. The purchaser has produced his permit for inspection by the employee; and

c. The purchaser has paid for the liquor in cash.

## STORE SALES TO LICENSEES

Sec. 8. An employee may sell beer and wines to any licensee holding a license to sell under this act in accordance with the terms of said license.

Sec. 9. No liquor other than malt liquor shall be delivered to any purchaser at a state liquor store except in a package sealed with the official seal prescribed under this act.

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### NO CONSUMPTION OR OPENING IN STORES

**Sec. 10.** No employee in a state liquor store shall open or consume, or allow to be opened or consumed any liquor on the store premises.

### STORES CLOSED ON SUNDAY

**Sec. 11.** No sale or delivery of liquor shall be made on or from the premises of any state liquor store, nor shall any store be open for the sale of liquor, on Sunday.

### PERMITS CLASSIFIED

**Sec. 12.** Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted such permit for the purchase of liquor under this act, the employee shall issue to the applicant a permit of the class applied for, as follows:

### INDIVIDUAL PERMIT

a. Where the application is for an individual permit and is made by an individual of the full age of twenty-one years, an individual permit in the prescribed form entitling the applicant to purchase liquor for beverage purposes; the fee for such permit to be fifty cents;

### PHYSICIAN, DENTIST, HOSPITAL PERMIT

b. Where the application is for a special permit and is made by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health or as a home devoted exclusively to the care of aged people; the fee for such permit to be fifty cents;

### MECHANICAL, MANUFACTURING, SCIENTIFIC PERMIT

bb. Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by a natural person, a special permit in the prescribed form entitling the applicant to purchase alcohol for the purpose named in the permit, at such fee as may be fixed by the board. (Fee of $5.00 per year fixed by board on April 3, 1934. Governmental and educational institutions exempt from fee.)

### BANQUET PERMIT

c. Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit in the prescribed form entitling the applicant to purchase liquor for consumption at such banquet, to such applicants and at such fee and under such regulations as may be fixed by the board. (Fee of $1.00 per permit fixed by board on April 3, 1934.)



### IMPORTATION PERMIT—MANUFACTURERS

d. Where the application is for a special permit by a manufacturer to import alcohol, malt and other materials containing alcohol to be used in the manufacture of liquor, or other products, under the regulations, at such fee as may be fixed by the board. (Fee $5.00 per year effective October 1, 1935. Reduced from $50.00 per year.)

### PRESCRIPTION PERMIT—DRUGGIST

e. Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, under the regulations, at such fee as may be fixed by the board. (Fee of $10.00 per year for each drug store permit fixed by board on April 3, 1934.)

### PERMITS NON-TRANSFERABLE

**Sec. 13.** 1. Every permit shall be issued in the name of the applicant therefor, and no permit shall be transferable, nor shall the holder of any permit allow any other person to use the permit.

2. No person shall apply in any false or fictitious name for the issuance to him of a permit, and no person shall furnish a false or fictitious address in his application for a permit.

### SACRAMENTAL PURPOSES

3. Nothing in this act shall be construed as limiting the right of any minister, priest or rabbi, or religious organization from obtaining wine for sacramental purposes directly from any source whatsoever, whether from within the limits of the State of Washington or from outside the state; nor shall any fee be charged, directly or indirectly, for the exercise of this right. The board shall have the power and authority to make reasonable rules and regulations concerning the importing of any such liquor or wine, for the purpose of preventing any unlawful use of such right.

### HOLDER MUST SIGN PERMIT

**Sec. 14.** No permit shall be valid or be accepted or used for the purchase of liquor until the applicant for the permit has written his signature thereon in the prescribed manner, for the purposes of identification as the holder thereof, in the presence of the employee to whom the application is made.

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**Sec. 15.** No individual permit shall be issued to any corporation, partnership, or other unincorporated association of individuals.

### EXPIRATION OF PERMIT

**Sec. 16.** Except in case of special permits issued under clauses (b) and (c) of section 12, which shall expire in accordance with the terms contained therein, every permit shall expire at midnight on the *30th* day of *September* of the *fiscal* year for which the permit was issued. *(Sec. 16 as amended by Laws of 1935, S. B. 87, effective March 23, 1935.)*

### CANCELLATION OR SUSPENSION OF PERMIT

**Sec. 17.** Where the holder of any permit issued under this act violates any provision of this act or of the regulations, or is an interdicted person, or is otherwise disqualified from holding a permit, the board, upon proof to its satisfaction of the fact or existence of such violation, interdiction, or disqualification, and in its discretion, may with or without any hearing, suspend the permit and all rights of the holder thereunder for such period as the board sees fit, or may cancel the permit.

### SURRENDER OF CANCELLED OR SUSPENDED PERMIT

**Sec. 18.** Upon receipt of notice of the suspension or cancellation of his permit, the holder of the permit shall forthwith deliver up the permit to the board. Where the permit has been suspended only, the board shall return the permit to the holder at the expiration or termination of the period of suspension. Where the permit has been suspended or cancelled, no employee shall knowingly issue to the person whose permit is suspended or cancelled a permit under this act until the end of the period of suspension or within the period of one year from the date of cancellation.

### PERMIT MAY BE RETAINED BY EMPLOYEES

**Sec. 19.** Where any permit is presented to an employee by a person who is not the holder of the permit, or where any permit which is suspended or cancelled is presented to an employee, the employee shall retain the permit in his custody and shall forthwith notify the board of the fact of its retention.

### PHYSICIAN MAY PRESCRIBE AND ADMINISTER LIQUOR

**Sec. 20.** Any physician who deems liquor necessary for the health of a patient, whether an interdicted person or not, whom he has seen or visited professionally may give to the patient a prescription therefor, signed by the physician, or the physician may administer the liquor to the patient, for which purpose the physician may administer



the liquor purchased by him under special permit and may charge for the liquor so administered; but no prescription shall be given or liquor be administered by a physician except to bona fide patients in cases of actual need, and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed or administered is necessary; and any physician who administers liquor in evasion or violation of this act shall be guilty of a violation of this act.

### DENTIST MAY ADMINISTER LIQUOR

**Sec. 21.** Any dentist who deems it necessary that any patient then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose the dentist shall administer liquor obtained by him under special permit pursuant to this act, and may charge for the liquor so administered; but no liquor shall be administered by a dentist except to bona fide patients in cases of actual need; and every dentist who administers liquor in evasion or violation of this act shall be guilty of a violation of this act.

### INSTITUTIONS MAY ADMINISTER LIQUOR

**Sec. 22.** Any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may, if he holds a special permit under this act for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for medicinal purposes, and may charge for the liquor so administered; but no liquor shall be administered by any person under this section except to bona fide patients or inmates of the institution of which he is in charge and in cases of actual need and every person in charge of an institution who administers liquor in evasion or violation of this act shall be guilty of a violation of this act.

### LICENSES CLASSIFIED—FEES

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

1. License to manufacturers of liquor, including all kinds of manufacturers except distillers, *brewers*, and wineries and *domestic* wineries; fee: *$1,000.*

2. *License to manufactures of malt liquors; 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.*

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

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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 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.

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 subsections 6, 7, 8, 11, 12, and 14 hereof; fee: *$250.00;* for each distributing unit.

*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.*

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

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.*

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.*

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.*



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:*

*Cities and towns of less than 10,000; fee: $50.00;*

*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.*

## PASTEURIZED BEER "ON"

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.*

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.

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.

## PICNICS

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.*

## CLUBS

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:

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

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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. 23 as amended by Laws of 1935, H. B. 148, effective June 13th, 1935.)*

### BEER TAX—MONTHLY REPORTS

**Sec. 24.** Any brewer or beer wholesaler licensed under this act may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of one dollar per barrel of thirty-one gallons on sales to licensees within the state and on the sale of bottled beer shall pay a tax on the same basis computed in gallons. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages.

Beer shall be sold by brewers and wholesalers in sealed barrels or packages.

The revenue stamps herein provided for need not be affixed and cancelled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

The above tax shall not apply to "strong beer" as defined in this act.

### "DOMESTIC WINES"

*Sec. 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 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.*

*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.*

*(Sec. 24A as added by Laws of 1935, H. B. 148, effective June 13th, 1935.)*



### WINERY—MONTHLY REPORTS

**Sec. 25.** Every winery licensed under this act shall make monthly reports to the board pursuant to the regulations. Such winery shall make no sales of wine within the State of Washington except to the board, or as otherwise provided in this act.

### DISTILLERY—MONTHLY REPORTS

**Sec. 26.** Every distillery licensed under this act shall make monthly reports to the board pursuant to the regulations. No such distillery shall make any sale of spirits within the State of Washington except to the board.

### LICENSES NON-TRANSFERABLE—QUALIFICATIONS

**Sec. 27.** 1. Every license shall be issued in the name of the applicant and no license shall be transferable, nor shall the holder thereof allow any other person to use the license.

2. For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for: *Provided, That no retail license of any kind shall be issued to:*

*1. A person who is not a citizen of the United States, except when in contravention of treaty;*

*2. A person who has not resided in the State of Washington for at least one year prior to making application, except in cases of licenses issued to dining places on railroads, boats or aeroplanes;*

*3. A person who has been convicted of a felony within 5 years prior to filing his application;*

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*4. A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license, as provided in this section;*

*5. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;*

*6. A person who has been convicted of a violation of any Federal or state law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to the passage of this act or shall have forfeited his bond to appear in court to answer charges for any such violation;*

*7. A corporation, unless all of the officers thereof are citizens of the United States;*

*8. (Vetoed March 23, 1935.)*

### LICENSES—CANCELLATION AND SUSPENSION

*2-A. The board may, in its discretion, with or without hearing, suspend or cancel any license; and all rights of the licensee to keep or sell beer or other liquors thereunder shall be suspended or terminated, as the case may be. In any case where the board in its discretion grants a hearing, said hearing shall be summary and upon oral or written testimony. The board may appoint examiners, who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.*

### WITNESS FEES

*Witnesses may, in the discretion of the board, be allowed fees at the rate of two dollars ($2.00) per day, plus five cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.*

### SUBPOENA—REFUSAL TO TESTIFY

*In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.*

### NOTICE OF SUSPENSION

3. Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written *or stamped* upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.



### EXPIRATION OF LICENSES

4. Unless sooner cancelled, every license issued by the board shall expire at midnight of the *30th* day of *September of* the *fiscal* year for which the license was issued.

5. Every license issued under this section shall be subject to all conditions and restrictions imposed by this act or by the regulations in force from time to time.

6. Every licensee shall post and keep posted its license, *or licenses,* in a conspicuous place on the premises.

### MAYORS—NOTICE OF APPLICATIONS

7. Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within *ten days* after *date of transmittal* of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may make oral argument in support of such objections at the time fixed by the board, after the board shall have given to the applicant written notice of such oral argument at least five days prior thereto. Upon the granting of a license under this act the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

### PROXIMITY TO CHURCHES, SCHOOLS, PUBLIC INSTITUTIONS

8. Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions. *(Sec. 27 as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

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### OPERATING WITHOUT LICENSE

**Sec. 28.** Any person doing any act required to be licensed under this act without having in force a license issued to him under this act shall be guilty of a violation of this act.

### MUNICIPALITIES, COUNTIES, MAY NOT LICENSE OR TAX

**Sec. 29.** No municipality or county shall have power to license the sale of, or impose an excise tax upon, liquor as defined in this act, or to license the sale or distribution thereof in any manner; and any power now conferred by law on any municipality or county to license premises which may be licensed under this section, or to impose an excise tax upon liquor, or to license the sale and distribution thereof, as defined in this act, shall be suspended and shall be of no further effect: *Provided*, That municipalities and counties shall have power to adopt police ordinances and regulations not in conflict with this act or with the regulations made by the board: *Provided further*, That all licenses now in force in the State of Washington for the sale of beer by the authority of any county, city, or other municipal subdivision in the State of Washington, shall continue in force and effect for a period of sixty days after the effective date of this act and no longer: *And provided further*, That all persons lawfully in possession of any intoxicating liquor at the time this act takes effect shall have sixty (60) days from and after the taking effect of this act in which to dispose of the same.

### GIFTS OF LIQUOR RESTRICTED

**Sec. 30.** No brewer, *wholesaler*, distiller, *winery*, or *other* manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board, and nothing in this section shall prevent a brewer from serving beer without charge on the brewery premises to employees and casual visitors. *(As amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

**Sec. 31.** No employee shall sell liquor in any other place, nor at any other time, nor otherwise than as authorized by the board under this act and the regulations.

### HOMEMADE BEER AND WINE—SALE UNLAWFUL

**Sec. 32.** Nothing in this act shall apply to wine or beer manufactured in any home for consumption therein, but not for sale; nor to any liquor in the possession of any person, kept for personal use but not for sale, at the effective date of this act.



### UNLAWFUL POSSESSION—UNSEALED LIQUOR

**Sec. 33.** 1. No liquor shall be kept or had by any person within the state unless the package in which the liquor was contained had, while containing that liquor, been sealed with the official seal prescribed under this act, except in the case of

a. liquor imported by the liquor control board; or

b. liquor manufactured in the state for sale to the liquor control board or for export; or

c. beer purchased in accordance with the provisions of this act; or

d. wine, beer or liquor exempted in section 32.

### SEARCH WARRANT—COMPLAINT

2. *If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, justice of the peace or magistrate, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such judge, justice of the peace or magistrate shall, with or without the approval of the prosecuting attorney, issue a warrant directed to a civil officer of the State of Washington duly authorized to enforce or assist in enforcing any law thereof, or to an inspector of the Washington state liquor control board, commanding him to search the premises designated and described in such complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such liquor, and to safely keep the same, and to make a return of said warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant, together with a detailed receipt for the property taken shall be served upon the person or persons found in possession of any such intoxicating liquor, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant and receipt shall be left in a conspicuous place upon the premises wherein the same are found; and all liquor seized pursuant to the authority of such warrant shall, upon adjudication that it was kept in violation of this act, be ipso facto forfeited and upon such forfeiture be delivered to the Washington state liquor control board.*

### RETURN OF WARRANT—HEARING

3. *Upon the return of the warrant as provided herein the judge, justice of the peace or magistrate shall fix a time, not less than ten days, and not more than thirty days thereafter, for the hearing of said*

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*return, when he shall proceed to hear and determine whether or not the articles so seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this act. At such hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his interest, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest in the articles claimed and that the same were not used in the violation of any of the provisions of this act, and were not in any manner kept or possessed with the intention of violating any of the provisions of this act. If, upon such hearing, the evidence warrants, or if no person shall appear as claimant, the judge, justice of the peace or magistrate shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: Provided, however, That if in the opinion of the judge, justice of the peace or magistrate, any of such forfeited articles other than intoxicating liquor are of value and adapted to any lawful use, such judge, justice of the peace or magistrate shall, as a part of the order and judgment, direct that said articles other than intoxicating liquor shall be sold as upon execution by the officer having them in custody and the proceeds of such sale after payment of all costs in this proceeding shall be paid into the liquor revolving fund. Action under this section and the forfeiture, destruction or sale of any artices thereunder shall not be a bar to any prosecution under any other provision or provisions of this act. (Sec. 33, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### CONSUMPTION IN PUBLIC—MISDEMEANOR

**Sec. 34.** Except as permitted by this act, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a misdemeanor, and on conviction therefor shall be fined not more than ten dollars ($10.00).

### INTOXICATED IN PUBLIC—PENALTY

**Sec. 35.** No person who is intoxicated shall be or remain in any public place, and every person who violates any provision of this section shall be liable, on conviction for a first offense to a penalty of not more than ten dollars ($10); for a second offense to a penalty of not more than twenty-five dollars ($25); and for a third or subsequent offense to imprisonment for not more than thirty days, with or without hard labor, without the option of a fine.

**Sec. 36.** No person shall sell any liquor to any person apparently under the influence of liquor.

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### MINORS—SALE TO OR PURCHASE BY MISDEMEANOR

**Sec. 37.** 1. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control.

2. Every person under the age of twenty-one years who makes application for a permit shall be guilty of an offense against this act.

3. *Every person under the age of twenty-one years who purchases any liquor shall be guilty of a violation of this act. (Sec. 37, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### INELIGIBLE PERSONS

**Sec. 38.** Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this act, no person shall procure or supply, or assist directly or indirectly in procuring or supplying, liquor for or to any one whose permit is suspended or has been cancelled.

**Sec. 39.** No permit shall be issued to any interdicted person.

### CANCELLED PERMIT

**Sec. 40.** No person whose permit has been cancelled within the period of twelve months next preceding, or is suspended, shall make application to any employee under this act for another permit.

### SUSPENDED PERMIT

**Sec. 41.** No person shall purchase or attempt to purchase liquor under a permit which is suspended, or which has been cancelled, or of which he is not the holder.

### CANVASSING OR SOLICITING LIQUOR ORDERS PROHIBITED—EXCEPTIONS

**Sec. 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

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the ordinary course of his employment as such agent, operator or employee. *(Sec. 42, as amended by Laws of 1935, H. B. 148, effective June 13, 1935.)*

### ADVERTISING BY BOARD PROHIBITED

**Sec. 43.** The board shall not advertise liquor in any form or through any medium whatsoever. The board shall have power to adopt any and all reasonable regulations as to the kind, character and location of advertising of liquor.

### LABEL REQUIREMENTS—MALT LIQUOR

**Sec. 44.** Every person manufacturing or distributing malt liquor for sale within the state shall put upon all packages containing malt liquor so manufactured or brewed a distinctive label showing the nature of the contents, the name of the person by whom the malt liquor is manufactured or brewed, the place where the malt liquor was brewed, and showing the maximum alcoholic content of such malt liquor. For the purpose of this section, the contents of packages containing malt liquor shall be shown by the use of the word "beer," "ale," "stout," or "porter," on the outside of all packages.

### LABEL REQUIREMENTS—WINE

**Sec. 45.** Every person manufacturing or distributing wine, shall put upon all packages a distinctive label showing the nature of the contents and the name of the person by whom the wine was manufactured, the place where the wine was manufactured, showing the maximum alcoholic content of such wine.

### LABEL REQUIREMENTS—SPIRITS

**Sec. 46.** Every person manufacturing spirits as defined in this act shall put upon all packages containing spirits so manufactured a distinctive label, showing the nature of the contents, the name of the person by whom the spirits were manufactured, the place where the spirits were manufactured, and showing the alcoholic content of such spirits. For the purpose of this section the contents of packages containing spirits shall be shown by the use of the words "whiskey," "rum," "brandy," and the like, on the outside of such packages.

### POSSESSION OR IMITATION OF OFFICIAL SEAL

**Sec. 47.** No person other than an employee of the board shall keep or have in his possession any official seal prescribed under this act, unless the same is attached to a package which has been purchased from a vendor or store employee; nor shall any person keep or have in his possession any design in imitation of any official seal prescribed under this act, or calculated to deceive by its resemblance thereto, or any paper upon which any design in imitation thereof, or calculated



to deceive as aforesaid, is stamped, engraved, lithographed, printed or otherwise marked.

Every person who wilfully violates any provision of this section shall be guilty of a gross misdemeanor and shall be liable on conviction thereof for a first offense to imprisonment in the county jail for a period of not less than three months nor more than six months, without the option of the payment of a fine; for a second offense, to imprisonment in the county jail for not less than six months nor more than one year, without the option of the payment of a fine; for a third offense or subsequent offenses to imprisonment in the state penitentiary for not less than one year nor more than two years.

**Sec. 48.** Nothing in this act shall apply to or prevent the sale of liquor by any person to the board.

### IMPORTATION OF LIQUOR RESTRICTED—INTERSTATE COMMERCE

**Sec. 49.** 1. Nothing in this act shall prevent any person licensed to manufacture liquor from keeping liquor in his warehouse or place of business.

2. Nothing in this act shall prevent the transshipment of liquor in interstate and foreign commerce; but no person shall import liquor into the state from any other state or country, except, as herein otherwise provided, for use or sale in the state, except the board.

3. Every provision of this act which may affect transactions in liquor between a person in this state and a person in another state or in a foreign country shall be construed to affect such transactions so far only as the legislature has power to make laws in relation thereto.

**Sec. 50.** 1. Nothing in this act shall apply to or prevent the sale, purchase or consumption

a. of any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the Pharmacopoeia of the United States, or the Dispensatory of the United States; or

b. of any proprietary or patent medicine; or

c. of wood alcohol or denatured alcohol, except in the case of the sale, purchase, or consumption of wood alcohol or denatured alcohol for beverage purposes, either alone or combined with any other liquid or substance.

### MEDICINAL, TOILET, CULINARY PREPARATIONS

**Sec. 51.** 1. Where a medicinal preparation contains liquor as one of the necessary ingredients thereof, and also contains sufficient medication to prevent its use as an alcoholic beverage, nothing in this act shall apply to or prevent its composition or sale by a druggist when compounded from liquor purchased by the druggist under a special permit held by him, nor apply to or prevent the purchase or consumption of the preparation by any person for strictly medicinal purposes.

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2. Where a toilet or culinary preparation, that is to say, any perfume, lotion, or flavoring extract or essence, contains liquor and also contains sufficient ingredients or medication to prevent its use as a beverage, nothing in this act shall apply to or prevent the sale or purchase of that preparation by any druggist or other person who manufactures or deals in the preparation, nor apply to or prevent the purchase or consumption of the preparation by any person who purchases or consumes it for any toilet or culinary purpose.

### ANALYST, CERTIFICATE OF

3. In order to determine whether any particular medicinal, toilet, or culinary preparation referred to in this section contains sufficient ingredient or medication to prevent its use as an alcoholic beverage, the board may cause a sample of the preparation, purchased or obtained from any person whomsoever, to be analyzed by an analyst appointed or designated by the board; and if it appears from a certificate signed by the analyst that he finds the sample so analyzed by him did not contain sufficient ingredient or medication to prevent its use as an alcoholic beverage, the certificate shall be conclusive evidence that the preparation, the sample of which was so analyzed, is not a preparation the sale or purchase of which is permitted by this section.

### LICENSED PREMISES OPEN TO INSPECTION

**Sec. 52.** 1. All licensed premises used in the manufacture, storage, or sale of liquor, *or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business,* shall at all times be open to inspection by any inspector or peace officer.

2. Every person, being on any such premises and having charge thereof, who refuses or fails to admit an inspector or peace officer demanding to enter therein in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such inspector or officer of the peace, or who refuses to allow an inspector to examine the books of the licensee, or who refuses or neglects to make any return required by this act or the regulations, shall be guilty of a violation of this act. *(Sec. 52 as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### ORDER OF INTERDICTION—HABITUAL DRUNKARDS

**Sec. 53.** Whenever any person shall have been declared an habitual drunkard by virtue of sections 1708-1715, Rem. Rev. Stat., the court declaring such person an habitual drunkard shall, at the same time, make an order directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further order; and the court shall cause a certified copy of the order to be forthwith

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filed with the board, and the officer making and transmitting such certified copy shall make no charge therefor. Upon receipt of the order of interdiction, the board shall cancel any permit held by the interdicted person.

### ORDER OF INTERDICTION REVOKED

**Sec. 54.** Whenever any order declaring a person to be an habitual drunkard shall have been annulled and vacated by the court by virtue of section 1715, Rem. Rev. Stat., the judge of said court shall also file an order with the board revoking the former order of interdiction; and upon the filing of the order of revocation, the interdicted person shall be restored to all his rights under this act.

### REPORT OF LIQUOR SEIZURES

**Sec. 55.** In every case in which liquor is seized by a sheriff or constable of any county or by a police officer of any municipality or by a member of the Washington state patrol, or any other authorized peace officer or inspector, it shall be the duty of the sheriff *or constable* of *any* county, or chief of police of the municipality, or the chief of the Washington state patrol, as the case may be, to forthwith report in writing to the board of particulars of such seizure, and to immediately deliver over such liquor to the board, *or its duly authorized representative,* at such place as may be designated by it. *(Sec. 55 as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### INSPECTION OF BOOKS AND RECORDS BY BOARD

**Sec. 56.** 1. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this act, the board, or any person appointed by it in writing for the purpose, may inspect the books and records of

a. any manufacturer;

b. any license holder;

c. any drug store holding a permit to sell on prescriptions;

d. the freight and express books and records and all waybills, bills of lading, receipts and documents in the possession of any common carrier doing business within the state, containing any information or record relating to any goods shipped or carried, or consigned or received for shipment or carriage within the state. Every common carrier, and every owner or officer or employee of such common carrier, who neglects or refuses to produce and submit for inspection any book, record or document referred to in this section when requested to do so by the board or by a person so appointed by it shall be guilty of a violation of this act.

### PLEADING—DESCRIBING OFFENSES

**Sec. 57.** In describing the offense respecting the sale, or keeping for sale, or other disposal, of liquor, or the having, keeping, giving, purchasing or consumption of liquor in any information, summons, conviction, warrant, or proceeding under this act, it shall be sufficient to simply state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor, without stating the name or kind of such liquor or the price thereof, or to whom it was sold or disposed of, or by whom consumed, or from whom it was purchased or received; and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased, or consumed, except in the case of offenses where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

### PROOF—INFORMATION

**Sec. 58.** The description of any offense under this act, in the words of this act, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offense in this act, may be proved by the defendant, but need not be specified or negatived in the information; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

### EVIDENCE—PROOF OF ONE UNLAWFUL SALE

**Sec. 59.** In any proceeding under this act, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this act.

### CERTIFICATE OF ANALYST PRIMA FACIE EVIDENCE

**Sec. 60.** A certificate, signed by any person appointed or designated by the board in writing as an analyst, as to the percentage of alcohol contained in any liquid, drink, liquor, or combination of liquors, when produced in any court or before any court shall be prima facie evidence of the percentage of alcohol contained therein.

### SERVICE OF CIVIL PROCESS

**Sec. 61.** In all prosecutions, actions, or proceedings under the provisions of this act against a corporation, every summons, warrant, order, writ or other proceeding may be served on the corporation in the same manner as is now provided by law for service of civil process.



### ACTION OF BOARD FINAL

**Sec. 62.** Save as in this act otherwise provided the action, order or decision of the board as to any permit or license shall be final and shall not be reviewed or restrained by injunction, prohibition or other process or proceeding in any court or be removed by certiorari or otherwise into any court.

### JURISDICTION—SUITS AGAINST BOARD

**Sec. 62-A.** *No court of the State of Washington other than the Superior Court of Thurston county shall have jurisdiction over any action or proceeding against the board or any member thereof for anything done or omitted to be done in or arising out of the performance of his or their duties under this act. Neither the board nor any member or members thereof shall be personally liable in any action at law for damages sustained by any person because of any acts performed or done or omitted to be done by the board or any employee of the board in the performance of his duties and in the administration of this act. (Sec. 62-A as added by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### APPOINTMENT OF BOARD—SALARY—NON-PARTISAN

**Sec. 63.** There shall be a board, known as the "Washington State Liquor Control Board," consisting of three members, to be appointed by the Governor, who shall each be paid an annual salary, to be fixed by the Governor, not to exceed $4,500.00; not more than two of whom shall belong to any one political party. The Governor may, in his discretion, appoint one of the members as chairman of the board, and a majority of the members shall constitute a quorum of the board.

### TERM OF OFFICE—VACANCIES

**Sec. 64.** 1. The members of the first board to be appointed after the taking effect of this act shall be appointed for terms beginning at the effective date of this act and expiring as follows: One member of the board for a term of three years from the date of his appointment; one member of the board for a term of six years from the date of his appointment; and one member of the board for a term of nine years from the date of his appointment. Each of the members of the first board appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the term of any of the three members of the board first to be appointed as aforesaid, each succeeding member of the board shall be appointed and hold office for the term of nine years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by appointment by the Governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the board shall

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impair the right of the remaining member or members to act, except as herein otherwise provided.

2. The principal office of the board shall be at the state capital, and it may establish such other offices as it may deem necessary.

3. *(Vetoed Jan. 23, 1934.)*

**MEMBER SHALL NOT HOLD OTHER PUBLIC OFFICE—BONDS**

4. Each member of the board shall devote his entire time to the duties of his office and no member of the board shall hold any other public office. Before entering upon the duties of his office each of said members of the board shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the State of Washington, to be approved by the Governor, in the penal sum of fifty thousand dollars ($50,000.00) conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the board.

**EMPLOYEES—SALARIES—PREFERENCES**

**Sec. 65.** The board may employ such number of employees as in its judgment are required from time to time for the purposes of this act, at such rates of salaries or wages as are fixed by the regulations; and any employee so employed may be dismissed or removed by the board at its pleasure; honorably discharged union soldiers and sailors, and honorably discharged soldiers and sailors of any war between this country and any foreign country shall be given preference for the appointment and employment.

**ATTORNEY GENERAL COUNSEL TO BOARD—ENFORCEMENT**

**Sec. 66.** The attorney general shall be the general counsel of the liquor control board and it shall be his duty to institute and prosecute all actions and proceedings which may be necessary in the enforcement and carrying out of the provisions of this act, and it shall be the duty of the attorney general to assign such assistants as may be necessary to the exclusive duty of assisting the liquor control board in the enforcement of this act. The salaries of said assistants shall be paid out of the liquor control revolving fund.

**LIQUOR ORDERS SIGNED BY TWO MEMBERS**

**Sec. 67.** 1. Every order for the purchase of liquor shall be authorized by the board, and no order for liquor shall be valid or binding unless it is so authorized and signed by any two members of the board.

2. A duplicate of every such order shall be kept on file in the office of the board.



**CANCELLATION OF LIQUOR ORDERS—CONSIGNMENT**

3. All cancellations of such orders made by the board shall be signed in the same manner and duplicates thereof kept on file in the office of the board. Nothing in this act shall be construed as preventing the board from accepting liquor on consignment.

**BOARD MEMBERS AND EMPLOYEES MAY NOT HAVE INTEREST IN LIQUOR—GRATUITIES**

**Sec. 68.** No member of the board and no employee of the board shall have any interest, directly or indirectly, in the manufacture of liquor or in any liquor sold under this act, or derive any profit or remuneration from the sale of liquor, other than the salary or wages payable to him in respect of his office or position, and shall receive no gratuity from any person in connection with such business.

**BOARD GIVEN SPECIFIC POWERS**

**Sec. 69.** 1. The board, subject to the provisions of this act and the regulations, shall

a. determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

aa. to appoint in incorporated cities and towns, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this act as the board may require;

b. establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this act;

c. provide for the leasing for *periods not to exceed five years* of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee.

The terms of such leases in all other respects shall be subject to the direction of the board;

d. determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this act;

e. execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

f. pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

g. require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

h. perform all other matters and things, whether similar to the

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foregoing or not, to carry out the provisions of this act, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor. *(Sec. 69, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### WASHINGTON STATE PATROL—ENFORCEMENT

**Sec. 70.** 1. The board may, in its discretion, secure the assistance of the Washington state patrol in the enforcement of the penal provisions of this act and the regulations of the board; and the Washington state patrol is authorized and directed to give such assistance to such board. The costs and expenses, including salaries, of such members of said patrol during such period of service shall be paid by the board.

### STATE AND LOCAL PEACE OFFICERS CHARGED WITH ENFORCEMENT—FINES

2. Where any action or proceedings are brought or taken by the board, or by any of its employees, or by any officer of the Washington state patrol for the enforcement of any of the provisions of this act within the state, the board may pay such amount of costs and expenses necessarily incurred therein as it determines. All state, county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this act, and all fines imposed for violations of this act shall belong to the county, city or town wherein the court imposing the fine is located, *and shall be placed in the general fund for payment of salaries of those engaged in the enforcement of the provisions of this act. (Sec. 70, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

3. *(Vetoed March 23, 1935.)*

### STATE AUDITOR TO AUDIT BOOKS AND AFFAIRS OF BOARD

**Sec. 71.** The state auditor shall audit the books, records and affairs of the board *annually: Provided, That the total annual cost of such audit shall not exceed the sum of $5,000.00. The board is authorized to provide for additional audits by certified public accountants, the total annual cost of which shall not exceed the sum of $5,000.00.* All such audits shall be construed to be public records of the State of Washington. *(Sec. 71, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### REPORTS TO GOVERNOR

**Sec. 72.** The board shall, from time to time, make reports to the governor covering such matters in connection with the administration and enforcement of this act as he may require, and the board shall



prepare and forward to the governor annually, to be laid before the legislature, a report for the *fiscal* year ending on the *30th* day of *September* of the *fiscal* year with respect to which the report is made, which report shall be a public document, and contain

a. A detailed financial statement and balance sheet showing the condition of the business and its operation during the year; such statement shall show in detail the price paid for all liquor purchased, showing the amount of each purchase and the price thereof;

b. A statement of the nature and amount of the business transacted by each vendor under this act during the year covered by this report;

c. A summary of all prosecutions for infractions of this act, and the results of the same;

d. General information and remarks as to the working of the act within the state; and

e. Any further information requested by the governor. *(Sec. 72, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### "LIQUOR REVOLVING FUND"

**Sec. 73.** For the purpose of carrying out the provisions of this act, there is hereby created a fund, to be known as the "liquor revolving fund," which shall consist of all license fees, permit fees, penalties, forfeitures and all other moneys, income or revenue received under this act. None of the provisions of section 5501, Rem. Rev. Stat., shall be applicable to such fund nor to any of the moneys received or collected by the board.

### ALL EXPENSES PAID FROM "FUND"—CERTIFIED BY AUDITOR

**Sec. 74.** All expense whatsoever arising under the administration of this act, including the payment of the salaries of the members of the board and its employees, such sums as shall be certified by the state auditor in respect of the auditing of the accounts of the board and the certification of its balance sheets, customs duties, excises and all expenditures incurred in establishing, maintaining and operating state liquor stores, and of conducting the business of the board shall be paid from said liquor revolving fund.

All moneys shall be paid from the liquor revolving fund by check or voucher in such form and in such manner as shall be prescribed in the regulations.

### REVOLVING FUND DEPOSITORIES—SECURITY

**Sec. 75.** The liquor revolving fund shall be deposited by the board in such banks and financial institutions as it may select throughout the State of Washington, which banks and financial institutions shall give to the board surety bonds executed by surety companies author-

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ized to do business in the State of Washington, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution.

All moneys received by the board or any employee under this act, except an amount of petty cash for each day's needs as fixed by the regulations, shall be each day and as often during such day as advisable, deposited in the nearest authorized depositary selected by the board under the terms of this section.

Sec. 76. *(Repealed by Chap. 13, Laws of 1935, S. B. 91, effective February 22, 1935.)*

### DISTRIBUTION OF FUNDS—RESERVE

Sec. 77. Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with section 78 hereof: *Provided, That the board shall reserve from distribution such amount not exceeding $500,000.00 as may be necessary for the proper administration of this act. (Sec. 77, as amended by Chapter 13, Laws of 1935, effective February 22, 1935.)*

### BASIS OF DISTRIBUTION—DRY UNITS EXCLUDED

Sec. 78. 1. When said funds are distributed as provided in section 77 hereof all moneys subject to distribution shall be disbursed as follows:

*Funds available for distribution to and including September 30, 1935; fifty per cent (50%) to the general fund of the state and fifty per cent (50%) to the counties and incorporated cities and towns of the state, distributed among them pursuant to the provisions hereafter made in this section.*

*Funds available for distribution on and after October 1, 1935, seventy per cent (70%) to the general fund of the state and thirty per cent (30%) to the counties and incorporated cities and towns of the state, distributed among them pursuant to the provisions hereafter made in this section.*

2. With respect to the share coming to the counties and incorporated cities and towns under the preceding subsection, the distribution shall be among them in accordance with the following computations:

a. First, the share coming to each county as a whole shall be determined by a division among the counties entitled to distribution hereunder according to the population of the areas in such counties allowing the sale of liquor under this act as shown by the last federal census; that is to say, the share coming to each county entitled to distribution hereunder shall be in the proportion which the population of the areas allowing the sale of liquor under this act in such county bears to the aggregate population of all the counties entitled to distribution hereunder.

b. Second, the share coming to each county as a whole, as the result of the foregoing computation, shall then be divided between each

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county government and the incorporated cities and towns located in such county according to the population shown by the last federal census; that is to say, the share coming to each incorporated city or town shall be as the proportion which the population in such incorporated city or town, as shown by the last federal census, bears to the total population within the county, as shown by the last federal census; and the county government's share shall be based upon that proportion of the population within such county as is not included in the incorporated cities and towns located in such county: *Provided,* That no incorporated city or town in which the sale of liquor as authorized under this act is forbidden under section 82 to 88 inclusive of this act shall be entitled to any share in such distribution: *Provided, further,* That if in any county the area outside of the cities and towns therein shall vote not to allow the sale of liquor under this act in such area, then the population of such area shall not be included in the computation of the population for distribution purposes.

3. The computations under subsection 2 of this section shall be made by the state auditor, who shall, immediately after the effective date of this act and immediately following the official publication of every federal census and so often as necessary by reason of elections held under sections 82 to 88 of this act, file with the board a list certified by him showing the fractional proportions, in terms of per cent or otherwise, coming to each county government and incorporated city and town in the state pursuant to this section; and the board shall make payment to each of said counties and incorporated cities and towns in the proportions shown on the certified list last filed with it by the state auditor under this section. *(Sec. 78 as amended by Chapter 80, Laws of 1935, effective March 18, 1935.)*

### REGULATIONS OF BOARD HAVE FORCE OF LAW

Sec. 79. 1. For the purpose of carrying into effect the provisions of this act according to their true intent or of supplying any deficiency therein, the board may make such regulations not inconsistent with the spirit of this act as are deemed necessary or advisable. All regulations so made shall be a public record and filed in the office of the secretary of state, together with a copy of this act, shall forthwith be published in pamphlets, which pamphlets shall be distributed free at all liquor stores and as otherwise directed by the board, and thereupon shall have the same force and effect as if incorporated in this act.

2. Without thereby limiting the generality of the provisions contained in subsection (1), it is declared that the power of the board to make regulations in the manner set out in that subsection shall extend to

a. regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books

and records to be kept therein and the reports to be made thereon to the board;

b. prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

c. governing the purchase of liquor by the state and the furnishing of liquor to stores established under this act;

d. determining the classes, varieties, and brands of liquor to be kept for sale at any store;

e. prescribing, subject to section 11, the hours during which the state liquor stores shall be kept open for the sale of liquor;

f. providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this act;

g. prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this act, including the prescribing of different official seals or different official labels for different classes of liquor;

h. providing for the payment by the board in whole or in part of the carrying charges on liquor shipped by freight or express;

i. prescribing forms to be used for purposes of this act or the regulations, and the terms and conditions to be contained in permits and licenses issued under this act;

j. prescribing the fees payable in respect of permits and licenses issued under this act for which no fees are prescribed in this act, and prescribing the fees for anything done or permitted to be done under the regulations;

k. prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

l. regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

m. prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

n. prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

o. prescribing the manner of giving and serving notices required by this act or the regulations, where not otherwise provided for in this act;

p. regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;



q. prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

r. prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

s. specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

t. providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

u. providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

v. providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

w. providing for the giving of fidelity bonds by any or all of the employees of the board: *Provided*, That the premiums therefor shall be paid by the board;

x. providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this act, prohibited the sale of liquor therein.

### MEMBERS OF BOARD AND CERTAIN EMPLOYEES MAY ADMINISTER OATHS

**Sec. 80.** Every member of the board, and every employee authorized by the board to issue permits under this act may administer any oath and take and receive any affidavit or declaration required under this act or the regulations.

### PROSECUTOR'S REPORT OF PROSECUTIONS

**Sec. 81.** The prosecuting attorney in each county shall send to the board, at the end of each year, a written report of all prosecutions brought under this act in the county during the preceding year, showing in each case the date of trial, name of accused, nature of charges, disposition of case, and the name of the judge presiding.

In each municipality having a police court, the judge of said court

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shall send the board a like annual report in respect of prosecutions brought under this act therein.

### LOCAL OPTION—ELECTION UNIT

**Sec. 82.** For the purpose of an election upon the question of whether the sale of liquors shall be permitted as hereinafter provided, the election unit shall be any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns.

### LOCAL OPTION ELECTION HELD AT GENERAL ELECTION

**Sec. 83.** Within any unit referred to in section 82, upon compliance with the conditions hereinafter prescribed, there may be held, at the time and as a part of any general election, an election upon the question of whether the sale of liquor shall be permitted within such unit; and in the event that any such election is held in any such unit, no other election under this section shall be held prior to the next succeeding general election.

### FILING OF LOCAL OPTION PETITION—REQUISITES

**Sec. 84.** Any unit referred to in section 82 may hold such election upon the question of whether the sale of liquor shall be permitted within the boundaries of such unit, upon the filing with the county auditor of the county within which such unit is located, of a petition subscribed by qualified electors of the unit equal in number to at least thirty per cent of the electors voting at the last general election within such unit. Such petition shall designate the unit in which the election is desired to be had, the date upon which the election is desired to be held, and the question that is desired to be submitted. The persons signing such a petition shall state their post office address, the name or number of the precinct in which they reside, and in case the subscriber be a resident of a city, the street and house number, if any, of his residence, and the date of signature. Said petition shall be filed not less than sixty days nor more than ninety days prior to the date upon which the election is to be held. No signature shall be valid unless the above requirements are complied with, and unless the date of signing the same is less than ninety days preceding the date of filing. No signature shall be withdrawn after the filing of such petition. Such petition may consist of one or more sheets and shall be fastened together as one document, filed as a whole, and when filed shall not be withdrawn or added to. Such petition shall be a public document and shall be subject to the inspection of the public. Upon the request of anyone filing such a petition and paying, or tendering to the county auditor one dollar for each hundred names, or fraction thereof, signed thereto, together with a copy thereof, said county auditor shall immediately compare the original and copy and attach

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to such copy and deliver to such person his official certificate that such copy is a true copy of the original, stating the date when such original was filed in his office; and said officer shall furnish, upon the demand of any person, a copy of said petition, upon the payment of the same fee required for the filing of original petitions.

### CHECK OF PETITIONS BY COUNTY AUDITOR

**Sec. 85.** Upon the filing of a petition as hereinbefore provided, the county auditor with whom it is filed shall cause the names on said petition to be compared with the names on the voters' official registration records provided for by law with respect to such unit. The officer or deputy making the comparison shall place his initials in ink opposite the signatures of those persons who are shown by such registration records to be legal voters and shall certify that the signatures so initialed are the signatures of legal voters of the State of Washington and of said unit, and shall sign such certificate. In the event that said petition, after such comparison, shall be found to have been signed by the percentage of legal voters of said unit referred to in section 84, the question shall be placed upon the ballot at the next general election.

### FORM OF BALLOT PRESCRIBED

**Sec. 86.** Upon the ballot to be used at such general election the question shall be submitted in the following form:

"Shall the sale of liquor be permitted within.....(here specify the unit in which election is to be held)." Immediately below said question shall be placed the alternative answers, as follows:

"For sale of liquor..... ( )
"Against sale of liquor..... ( )."

Each person desiring to vote in favor of permitting the sale of liquor within the unit in which the election is to be held shall designate his choice beside the words "For sale of liquor," and those desiring to vote against the permitting of the sale of liquor within such unit shall designate their choice beside the words "Against sale of liquor," and the ballots shall be counted accordingly.

### CANVASS OF ELECTION RETURNS

**Sec. 87.** The returns of any such election shall be canvassed in the manner provided by law. If the majority of qualified electors voting upon said question at said election shall have voted "For sale of liquor" within the unit in which the election is held, the sale of liquor may be continued in accordance with the provisions of this act. If the majority of the qualified electors voting on such question at any such election shall vote "Against sale of liquor," then, within thirty days after such canvass no sale or purchase of liquor, save as herein provided, shall be made within such unit until such permission so to

do be subsequently granted at an election held for that purpose under the provisions of this act.

### MAJORITY VOTE AGAINST SALE OF LIQUOR—DISCONTINUANCE

**Sec. 88.** Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "Against sale of liquor," the county auditor shall file with the liquor control board a certificate showing the result of the canvass at such election; and thereafter, except as hereinafter provided, it shall not be lawful for a liquor store to be operated therein nor for licensees to maintain and operate licensed premises therein except as hereinafter provided:

a. As to any stores maintained by the board within any such unit at the time of such licensing, the board shall have a period of thirty days from and after the date of the canvass of the vote upon such election to continue operation of its store or stores therein.

b. As to any premises licensed hereunder within any such unit at the time of such election, such licensee shall have a period of sixty days from and after the date of the canvass of the vote upon such election in which to discontinue operation of its store or stores therein.

c. Nothing herein contained shall prevent any distillery, brewery, rectifying plant or winery or the licensed operators thereof from selling its manufactured product, manufactured within such unit, outside the boundaries thereof.

d. Nothing herein contained shall prevent any person residing in any unit in which the sale of liquor shall have been forbidden by popular vote as herein provided, who is otherwise qualified to receive and hold a permit under this act, from lawfully purchasing without the unit and transporting into or receiving within the unit, liquor lawfully purchased by him outside the boundaries of such unit.

### RECORD OF INDIVIDUAL PURCHASES CONFIDENTIAL

**Sec. 89.** All records whatsoever of the board showing purchases by any individual of liquor shall be deemed confidential, and, except subject to audit by the state auditor, shall not be permitted to be inspected by any person whatsoever, except by employees of the board to the extent permitted by the regulations; and no member of the board and no employee whatsoever shall give out any information concerning such records and neither such records nor any information relative thereto which shall make known the name of any individual purchaser shall be competent to be admitted as evidence in any court or courts except in prosecutions for illegal possession of and/or sale of liquor. Any person violating the provisions of this section shall be guilty of a misdemeanor.



### MANUFACTURER OR WHOLESALER MAY NOT HAVE FINANCIAL INTEREST IN RETAIL OUTLETS

**Sec. 90.** No manufacturer or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or non-resident, shall have any financial interest, direct or indirect, in any business licensed under section 23, subsections 7, 8, 9, 11, 12, 13, *and 14*, nor shall any manufacturer *or wholesaler* own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer *or wholesaler* has any interest, nor shall any manufacturer *or wholesaler* advance moneys *or moneys' worth* to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money *or moneys' worth.* No manufacturer or wholesaler shall be eligible to receive or hold a retail license under this act, nor shall such manufacturer or wholesaler sell at retail any liquor as herein defined.

*Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. (Sec. 90, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### VIOLATION OF ACT A MISDEMEANOR

**Sec. 91.** Every person who violates any provision of this act or the regulations shall be guilty of a violation of this act, whether otherwise declared or not.

### VIOLATIONS—PENALTIES

**Sec. 92.** 1. Every person who violates the provisions of section 28 shall be guilty of a gross misdemeanor.

2. Every person who shall sell by the drink or bottle, any liquor other than beer and wines as defined in this act, shall be guilty of a gross misdemeanor.

3. Except as otherwise provided in this act, every person who shall sell any liquor, *including beer and/or wine manufactured under section 32 hereof* or who shall own or operate any still shall be guilty of a gross misdemeanor.

4. A gross misdemeanor and the penalty therefor shall be as otherwise provided by the laws of this state, *except that every person guilty of a violation of subsections 2 and 3 of section 92 shall be liable on conviction for a first offense to imprisonment in the county jail for not less than thirty days nor more than one year; for a second offense to imprisonment for not less than ninety days nor more than one year; and for a third or subsequent offense to imprisonment for not less than six months nor more than one year.*

5. *If any person shall, in this state, buy alcoholic beverages from any person other than the board, a state liquor store or some person*

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*authorized under the provisions of this act to sell the same, he shall be guilty of a misdemeanor.*

*6. Except as otherwise provided in this act, any person who shall have or keep alcoholic beverages other than that purchased from the board, a state liquor store, or some person authorized under the provisions of this act to sell the same, shall be guilty of a gross misdemeanor. (Sec. 92, as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### GENERAL PENALTIES PRESCRIBED

**Sec. 93.** Every person guilty of a violation of this act for which no penalty has been specifically provided shall be liable, on conviction, for a first offense to a penalty of not more than three hundred dollars, or to imprisonment for not more than two months, with or without hard labor, or both; for a second offense to imprisonment for not more than six months, with or without hard labor; and for a third or subsequent offense to imprisonment for not more than one year, with or without hard labor. If the offender convicted of an offense referred to in this section is a corporation, it shall for a first offense be liable to a penalty of not more than two thousand dollars, and for a second or subsequent offense to a penalty of not more than three thousand dollars, or to forfeiture of its corporate license, or both.

### JUSTICE AND POLICE COURTS MAY IMPOSE MAXIMUM PENALTIES

*Every justice of the peace and magistrate shall have concurrent jurisdiction with superior court judges of the State of Washington of all violation of the provisions of this act and may impose any punishment provided therefor. (Sec. 93 as amended by Laws of 1935, S. B. No. 87, effective March 23, 1935.)*

### SAVING CLAUSE

**Sec. 94.** If any clause, part or section of this act shall be adjudged invalid, such judgment shall not affect nor invalidate the remainder of the act, but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered. If the operation of any clause, part or section of this act shall be held to impair the obligation of contract, or to deny to any person any right or protection secured to him by the constitution of the United States of America, or by the constitution of the State of Washington, it is hereby declared that, had the invalidity of such clause, part or section been considered at the time of the enactment of this act, the remainder of the act would nevertheless have been adopted without such and any and all such invalid clauses, parts or sections.

**Sec. 95.** Nothing in this act shall be construed to amend or repeal chapter 2 of the Laws of 1933, or any portion thereof.

**Sec. 96.** This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

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# Washington State Liquor Control Board

REVISED

# RULES AND REGULATIONS

Effective October 1, 1935

The following rules and regulations promulgated herein have, under the provisions of Chapter 62 of the Laws of the Extraordinary Session of 1933 of the State of Washington, the force of law and any violation or violations of any such rule or regulation is a violation of the Washington State Liquor Act. These regulations will continue in force and effect until modified or revoked by the Board.

In the following Rules and Regulations certain Federal Laws and Rules and Regulations pertaining to particular subjects are adopted by reference. In this connection attention is directed to the "Federal Alcohol Administration Act" passed during the last session of Congress and approved August 29, 1935.

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## A. Retail Beer and/or Wine Dispensaries

(1) The issuance of any license by the Board shall not be construed as granting a vested right in any of the privileges so conferred and a misrepresentation of fact found to have been made by the applicant shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of such application or the revocation or suspension of said license by the Board.

(2) No beer or wine shall be sold, offered for sale or consumed upon any licensed premises upon the day of any general, special or primary election of any state, county or municipal officers within the state, district, county or corporation in which said election is held, during the hours the polls are open, or upon any day between the hours of one o'clock a. m. and six o'clock a. m., provided, however, that any municipality may fix earlier closing hours or prohibit Sunday operations.

(3) No person shall give or otherwise supply liquor to any person under the age of 21 years; or to any person apparently under the influence of liquor; or to any interdicted person (habitual drunkard); or to any Indian *who is a ward of the Government;* nor shall any licensee or employee of any licensee, permit any person under said age or in said condition or classification to consume liquor on his premises, or on any premises under his control, except where liquor is administered to such person by his physician or dentist for medicinal purposes.

(4) No licensee shall permit any disorderly, boisterous or intoxicated person, to be in or upon his licensed premises, or allow profane or vulgar language, or other disorderly, indecent, or boisterous conduct thereon. *The possession or distribution by licensees or their employees or agents of suggestive advertising cards or indecent or obscene advertising matter is hereby prohibited.*

(5) In conformance with the Industrial Welfare Act, Section 7627 of Remington's Revised Statutes, no person under the age of 18 years shall be employed in any service in connection with the sale, handling or serving of any liquor, either on a paid or voluntary basis, in, on, or about any establishment licensed to sell beer or wine for consumption on the premises.*

(6) No window blinds, screens, shades, paint or other obstruction shall be placed or maintained, during open or closed hours, on any window or opening of the sales room of any licensed premises, preventing a clear, uninterrupted view of the interior of the premises from the street.

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* It is recommended by the Board that no person under the age of 21 years be so employed.

(7) No licensee shall conduct an establishment where booths are a part of the equipment unless they are open at one end and are without doors, curtains or other obstructions.

(8) All licensed premises used in the manufacture, storage or sale of liquor, *or any premises or parts of premises used or in any way connected physically or otherwise with the licensed business*, shall at all times be open to inspection by any authorized inspector of the Board or peace officer.†

(9) The rules and regulations of the State Board of Health (page 83 of this pamphlet) relating to safe drinking water, proper sterilization of eating and drinking utensils, garbage disposal, etc., are by reference made a part of these rules and regulations.

(10) Retailers of draught beer shall have and maintain their coils in a clean and sanitary condition at all times. All cups, mugs, steins or glasses used for serving beverages must, after using, be washed *and then immersed for a period of at least two minutes* in clean water, containing *not less than* twenty-five parts per million of available chlorine *and thereafter thoroughly rinsed in clean water.*

(11) There will be no pro-rating of any license fee.

(12) Upon the loss or destruction of a license, a duplicate thereof may be issued upon furnishing affidavit of such loss or destruction, or upon such other evidence as may be required by the Board. Fee for such duplicate license shall be $5.00.

(13) Before any license shall apply to any other location than the licensed premises the Board shall first be notified, and its consent thereto obtained in writing. Fee for change of location, $5.00. Before the name of any licensed retail premises shall be changed the Board shall also be notified, and its consent thereto obtained in writing. Fee for change of name, $2.50.

(14) No license privileges shall be transferred or sublet, and in case of sale or transfer of the business in connection with which the licensed activities are conducted, the license holder and/or purchaser shall immediately submit to the Board a statement under oath showing the name and address of the purchaser and any other person directly or indirectly interested in the enterprise. If the licensee is a corporation, any sale, pledge, or other disposition of its corporate stock, which results in transferring the control and management of the business of the corporation, shall terminate its license.

*If the licensee is a partnership, the sale of a partnership interest shall constitute a sale or transfer of the business; provided, however, no additional license fee will be required where a partner or partners*

† All duly authorized inspectors of the Liquor Board will present, upon request, proper credentials authenticated by signatures and seal of the Board.

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*withdraw from the partnership and the business is continued under the license by the remaining partner or partners, and provided further, that the Board be immediately notified of such change and the license be returned to the Board for the change of the partnership name thereon, accompanied by a fee of $2.50 therefor.*

*All licensees shall immediately notify the Board of any changes in management or ownership of the licensed business or alteration of the licensed premises.*

(15) In tapping every keg or barrel of draught beer, the faucet or tapping device through which the beer is to be drawn shall be inserted through the beer revenue or "in transit" stamp in such a manner as to deface the same; or, if the beer is to be drawn through the spigot hole or bung hole in the side of the keg or barrel, a faucet shall also be inserted through the stamp affixed at the head of the keg or barrel, or the stamp shall be defaced by cutting away the part thereof only which covers the spigot hole or tapping bushing at the head of the keg or barrel.

(16) It shall be unlawful for any retail licensee, or other person, to withdraw or aid in the withdrawal of beer from any barrel, package, or other vessel, without defacing the stamp affixed thereto; or to withdraw or aid in the withdrawal of beer from any barrel, package or other container not having a proper stamp affixed thereto, or upon which a fraudulent stamp has been affixed. No retail licensee shall remove the stamp, either before or after defacement, from any keg, case, barrel or other beer container. Any beer found in violation of this regulation shall be subject to seizure and/or confiscation by the Board, its agents, employees or by peace officers.

(17) It shall be unlawful for any retailer or other person to sell, remove, receive, purchase, or possess or aid in the sale, removal, receipt, or purchase of beer contained in any barrel, package or other container upon which the proper stamp or stamps required have not been affixed or upon which a false or fraudulent stamp is affixed or upon which a stamp once cancelled is used a second time. It shall be unlawful for any retail licensee to sell, remove, receive, purchase or possess any beer bearing the "in transit" (purple) stamp. Any beer found in violation of this regulation shall be subject to seizure and/or confiscation by the Board, its agents, employees or by peace officers.

(18) It shall be unlawful for any retailer to display or permit the display of any beer or wine kegs in or about his licensed premises.

(19) No beer and/or wine shall be sold or supplied to a person for consumption in or upon retail premises, or consumed by a per-

son, unless such person is seated in or upon the premises at a table or counter; nor shall retail licensees permit persons to consume beer and/or wine in or upon retail premises while standing, except where sold or consumed in places of public exhibition, such as fairs, picnics, and the like, after permission of Board first obtained. Curb service is hereby prohibited. (Effective January 1, 1935.)

(20) It shall be unlawful for any retail licensee, his employee and/or agent, except bona fide clubs licensed to dispense beer and/or wine, to have, keep or possess, in or upon the licensed premises, any liquor other than that permitted by his license.

(21) In the event of the incapacity, death, receivership or bankruptcy of any licensee, his guardian, executor, administrator, receiver, or trustee in bankruptcy, may, upon written authority from the Board, continue the business of the licensee on the licensed premises for the duration of the license, unless sooner terminated.

(22) No retail licensee shall solicit, receive or accept from any manufacturer, distributor or beer wholesaler, gifts, *discounts*, loans of money, premiums, rebates, free beer, *"treats,"* property of any value whatsoever or services of any nature.

(23) No retail dispenser shall refill a jug, bottle or other container with unpasteurized beer while such jug, bottle or other container bears the label or name of any brand of beer or of any brewer, wholesaler or bottler. No retail dispenser shall fill or refill a jug, bottle or other container with wine, for sale for consumption off the premises.

(24) Upon denial of an application for license, the fee tendered therewith shall be returned. When a license is suspended or cancelled, or the licensed business is discontinued, no refund of the license fee shall be made. Upon discontinuance of business by a licensee, he shall forthwith deliver up his license to the Board. Where application for a new license is made by a purchaser or successor to premises then licensed, the purchaser or successor may, on written permission from the Board, continue the business until action upon the application is taken.

(25) All retail licensees shall have on licensed premises at all times health cards of all employees, *which cards must be renewed every six months.*

(26) *It shall be unlawful for any retail licensee to accept delivery of alcoholic beverages on Sunday after eight a. m. at his premises or elsewhere.*

(27) *Copies of sales slips, invoices, etc., covering all purchases of beer by retailers shall be kept on file in retail premises for at least six months after each purchase.*

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## B. BREWERS AND BEER WHOLESALERS

(1) The issuance of any license by the Washington State Liquor Control Board shall not be construed as granting a vested right in any of the privileges so conferred and any misrepresentation of fact in the application for such license, or in the monthly reports of the licensee to the Board, shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of such application or the revocation or suspension of said license by the Board.

(2) No license privileges shall be transferred or sublet, and in case of sale or transfer of the business in connection with which the licensed activities are conducted, the license holder or purchaser shall immediately submit to the Board a statement under oath showing the name and address of the purchaser and any other person directly or indirectly interested in the enterprise. If the licensee is a corporation, any sale, pledge or other disposition of its corporate stock which results in transferring the control and management of the business of the corporation shall terminate its license. If the licensee is a partnership, the sale of a partnership interest shall be deemed to be a sale or transfer of the business.

(3) Upon the loss or destruction of a license, a duplicate thereof may be issued upon furnishing affidavit of such loss or destruction, or upon such other evidence as may be required by the Board. Fee for such duplicate license shall be $5.00.

(4) The Board shall first be notified and its consent given in writing before any license shall apply to any other location than the licensed premises. Fee for change of licensed location, $5.00.

(5) If a change is made in the management of a licensed business, notice thereof, stating the name and address of new or additional manager shall be sent by registered mail to the Board; if the Board, after receipt of such notice, shall notify the licensee that it disapproves such new or additional manager, such change in management shall not thereafter be effective as to the license privileges.

(6) In the event the business conducted is a corporation, an additional statement may be required by the Board showing the name and address of each stockholder and the amount of stock held by each. In the event of any change in the officers or directors of said corporation, it will immediately notify the Board of such change.

(7) Authorized officials and inspectors of the Board may at any time take for the purpose of analysis a sample of any beer manufactured, or of any beer offered for sale at the warehouse or place of business of a manufacturer, distributor, beer wholesaler or retailer.

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(8) No person shall barter, sell, give away or in any manner dispose of any intoxicating liquors, on the day of any general, special or primary election of state, county or municipal officers, during the hours the polls are open.

(9) No manufacturer, distributor or beer wholesaler or any representative thereof, shall aid or assist any retail licensee by gifts, *discounts*, loans of money, or property of any description or services of any nature or other things of substantial or nominal value or by the giving of premiums or rebates or by "treating" and it shall be unlawful for any retail licensee to accept same.

(10) *All regulations of the Federal Government relating to brewers and beer wholesalers which are now in effect or which may hereafter be adopted, are hereby made, by reference, rules and regulations of this Board in so far as they are consistent herewith.*

(11) No manufacturer, distributor or wholesaler may furnish, rent, lend or sell any equipment, fixtures or supplies, directly or indirectly, or through a subsidiary or affiliate or by any officer, director or firm member of a manufacturer, distributor or wholesaler to any retail licensee. Nothing herein shall be construed as prohibiting a sale by a manufacturer, distributor or wholesaler, or subsidiary or affiliate thereof to persons other than retail licensees of such equipment, fixtures or supplies now owned by them and now installed in retail premises. No loan, rental or sale of any equipment, fixtures or supplies made before the effective date of the Washington State Liquor Act shall be used as a consideration for an agreement thereafter made respecting the purchase of products of the manufacturer, distributor or wholesaler.

(12) It shall be unlawful for any *brewer, beer wholesaler, winery or any representative thereof*, to deliver *alcoholic beverages* on Sunday after eight a. m.

(13) It shall be unlawful for any manufacturer, distributor or wholesaler to display, or for any retail licensee to permit the display of beer and/or wine kegs in or about licensed retail premises.

(14) All licenses shall be framed under glass and prominently displayed in the office of the licensed premises.

(15) Effective August 1, 1934, all beer shall bear a label in accordance with Section 44 of the Washington State Liquor Act and the maximum alcoholic content of such beer shall be shown thereon by weight only and not by volume. Such labels shall contain a statement that the maximum alcoholic content does not exceed four per cent (4%) by weight. Any statement of any minimum alcoholic content shall likewise be shown by weight only.



(16) Every brewer, beer wholesaler or distributor licensed under this act shall make monthly reports to the Board of monthly sales in or out of the state, and shall pay a tax of $1.00 per barrel of thirty-one (31) gallons on beer sold within the state, and a tax on the same basis on the sale of bottled or other package beer sold within the state. A "gallon" is the United States Standard Gallon of 231 cubic inches.

*For the purpose of this section, brewers and beer wholesalers must keep beer accounts separate and independent from other accounts and must provide such adequate books and records as will permit proper verification of said accounts by the Board.*

*Claims of brewers and beer wholesalers for refunds of the tax paid on beer entering the state but thereafter sold without the state will only be considered upon evidence satisfactory to the Board that no sale thereof had previously occurred within the state, provided, however, that claims will not be considered unless the required monthly reports of beer shipments by foreign consignors to points within the State of Washington are, at the time, on file with the Board. Evidence may be submitted in the form of bills of lading, delivery invoices, affidavits or such other evidence as may be required, tracing the particular shipment to the local distributor and thence to a consignee without the state.*

(17) Beer revenue stamps must be procured from the Board in sufficient quantities and denominations so as to avoid delay to shipments. *The exchange, sale or purchase of beer revenue stamps other than through the Board is hereby prohibited.* Orders for stamps must be accompanied by cash, post office money order or certified check. If order is to be forwarded by mail or registered mail, money or postage stamps to cover mailing thereof must also accompany order. Stamps may also be forwarded by express, collect, but when transmitted by express or by mail in any manner, it will be at the risk of the party ordering the same. In no case will any officer or employee of the Board be permitted to carry stamps from the Board's office to a manufacturer or warehouse.

(18) Beer may be removed or transported or caused to be removed or transported by any manufacturer, beer wholesaler, or distributor from the brewery or place of business of such manufacturer, beer wholesaler or distributor to a bottling works within the state for bottling, or to a consignee beyond the state, without the affixation of beer revenue stamps. Provided, however, that "in transit" beer stamps shall be cancelled and affixed to all barrels, packages or other beer containers so removed, transported or exported; said "in transit" stamps to be procured from the Board at the rate of twenty-five cents (25¢) per hundred. It shall be the duty of the bottler to cancel and affix the required beer revenue stamps to all beer leaving the bottling works in barrels, packages

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or other containers after sale is made within the state, whether the sale be made between the brewer and/or wholesaler and the bottler, or between the bottler and licensee within the state. To comply with this regulation where the transaction between the brewer and/or wholesaler and the bottling works amounts to a sale within the state the bottler shall cancel and affix the required beer revenue stamps to all such beer before it leaves the bottling works, even if such beer is to be exported from the bottling works for sale out of the state. Where no sale has occurred within the state prior to shipment from the bottling works for export, the bottler shall cancel and affix "in transit" stamps to all beer exported for sale out of the state. The bottler shall cancel and affix the required beer revenue stamps in every case where he sells to licensees within the state.

The Board may require any manufacturer, distributor or beer wholesaler, exporting beer or shipping beer to a bottling works for bottling within the state, to furnish a bond in the penal sum of not less than One Thousand Dollars ($1,000.00). Such bond shall be so conditioned that the principal thereon shall pay a penalty of $5.00 per barrel in addition to such other penalties as the Board may assess, for any diversion of such beer which results in said beer being sold or offered for sale in the State of Washington without the payment of the beer revenue tax or for any counterfeiting or misuse of such "in transit" beer stamps.

(19) Beer bearing "in transit" stamps only and consigned to a bottling works for bottling within the state or for export, shall not be removed from the place of business or warehouse of a manufacturer, distributor, beer wholesaler or bottler, until definite orders have been received therefor, evidenced by written invoices or other documents of title, copies of which shall accompany the shipment showing name and address of shipper, name and address of consignee, the number and kind of packages, and the price thereof. "In transit" stamps shall be used only for the purpose of identification and regulation of beer shipments and they shall not be construed as a tax. Said stamps shall be affixed to export beer not previously sold within the state and on beer shipments to bottling works within the state for bottling. Any other use of the "in transit" stamps shall be deemed a misuse and shall subject beer so stamped to seizure and/or confiscation by the Board, its agents, employees or peace officers, in addition to other penalties as indicated in these regulations.

(20) No manufacturer, distributor or wholesaler shall, without permission of the Board, adopt or use any packages or containers for beer differing in sizes and capacities from the following classification for taxing purposes, to-wit:

**Barrels** Whole barrels; ½ barrels; ¼ barrels; ⅛ barrels.

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**Packages** 12 11-oz.; 12 12-oz.; 24 11-oz.; 24 12-oz.; 12 22-oz.; 12 24-oz.; 6 11-oz.; *6 64-oz.; 12 32-oz.; 12 64-oz.; 24 32-oz.*

(21) It shall be unlawful for any manufacturer, wholesaler or distributor, cartman, agent for transportation, or other person, to sell, remove, receive or purchase or in any way aid in the sale, removal, receipt or purchase, of any beer contained in any barrel, package, or other container from any manufacturer, upon which the proper stamp or stamps required have not been affixed or on which a false or fraudulent stamp is affixed, or on which a stamp once cancelled is used a second time. To comply with this regulation, no beer shall be imported into the State of Washington after August 1, 1934 (except beer in transit through the state) for sale in the state, without proper stamps of the Washington State Liquor Control Board being affixed thereto and cancelled. Any beer found in violation of this regulation shall be subject to seizure and/or confiscation by the Board, its agents, employees, or by peace officers.

(22) It shall be unlawful for any retail licensee or other person to withdraw or aid in the withdrawal of any beer from any barrel, package or other vessel containing the same, without destroying or defacing the stamp affixed thereon, or to withdraw or aid in the withdrawal of any beer from any barrel, package or other container upon which the proper stamp has not been affixed or upon which a fraudulent stamp has been affixed. Any beer found in violation of this regulation shall be subject to seizure and/or confiscation by the Board, its agents, employees, or by peace officers.

(22a) In affixing the proper stamp to beer keg or barrel, the stamp shall be placed over the tapping bushing, so that in tapping each keg or barrel the faucet or tapping device through which the beer is to be drawn will be inserted through the stamp affixed to such barrel or keg in such manner as to deface the stamp; or, if the beer is to be drawn through the spigot hole or bung hole in the side of the keg or barrel, a faucet must also be inserted through the stamp so affixed at the head of the keg, or the stamp must be defaced by cutting away the portion thereof only which covers the spigot hole or tapping bushing at the head of the keg or barrel. The "in transit" stamp shall be cancelled, affixed, and defaced in like manner as the beer revenue stamp.

In affixing the proper stamp to case beer, the stamp shall be placed over middle seam of the case, preferably with ½ of the stamp extending down over the end of the case, so that the stamp will be split three ways on opening the case.

(23) All beer stamps shall be cancelled by perforation as required by the Federal Government.

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(24) No beer containing more than four per cent (4%) of alcohol by weight shall be manufactured in, or imported into the state, except by the permission of the Board first obtained.

(25) It shall be unlawful for any person to sell, offer for sale, purchase or possess any beer containing more than four per cent (4%) of alcohol by weight, unless that purchased from the Board, or manufactured by permission of the Board. Any beer sold, offered for sale, purchased or possessed in violation of this regulation, shall be subject to seizure and/or confiscation by the Board, its agents, employees, or by peace officers.

(26) *No brewer or beer wholesaler shall grant or allow a credit to a retailer because of any claimed defect in any beer or container thereof unless claim for such credit shall have been made by the retailer on a bad order claim form and such claim shall have been approved by the brewer (if located within the state) or beer wholesaler (for beer manufactured outside the state).*

*Such claim shall be made by the retailer upon forms furnished by the Board, in quadruplicate, one copy to be mailed to the Board by the retailer, two copies sent to the brewer, or to the wholesaler of out of state beer, and one copy retained by the retailer. Before allowing a credit the brewer or wholesaler shall examine the beer or container upon which the claim is based and shall certify approval or disapproval and the reasons therefor upon such form. Brewers, wholesalers and retailers shall retain their respective copies of such claim forms for at least one year from the date of the claim.*

*No brewer or wholesaler shall allow, nor shall any retailer claim, a credit unless the container or the beer is in fact defective. The claiming or allowance of any fictitious or false credits shall be a violation of these regulations and of the Act. (Effective August 1st, 1935.)*

(27) Every manufacturer of beer and/or wine offered for sale within this state shall forthwith file with the Board its labels and other marks of identification.

(28) There shall be no prorating of any license fee.

(29) No manufacturer, distributor or beer wholesaler shall enter into any contract with any person licensed to sell at retail, whereby such licensee agrees not to sell any beer manufactured or distributed by any other manufacturer, distributor or wholesaler.

(30) Upon denial of an application for license, the fee tendered therewith shall be returned. When a license is suspended or cancelled, or the licensed business is discontinued, no refund of the license fee shall be made. Upon discontinuance of business by a licensee, he shall forthwith deliver up his license to the Board. Where application for a new license is made by a purchaser or successor to premises then licensed, the purchaser or successor may,



on written permission from the Board, continue the business until action upon the application is taken.

(31) Any brewer or beer wholesaler who grants or gives to a retailer licensed to sell beer for consumption on the premises, a credit or credits in excess of ten days, or to a retailer licensed to sell beer for consumption off the premises, a credit or credits in excess of thirty days, or to any retailer licensed to sell beer for consumption both on and off the premises, a credit or credits in excess of ten days, shall be deemed to have an interest in such retail establishment within the meaning of Section 90 of the Washington State Liquor Act. Any brewer or beer wholesaler who grants any credit whatsoever to a licensed retailer within the first thirty days that such licensed business is conducted shall be deemed to have a financial interest in such retail establishment within the meaning of Section 90 of the Washington State Liquor Act.

(32) The Board may, in its discretion, sell or otherwise dispose of seized or confiscated liquor.

(33) In the event of the incapacity, death, receivership, or bankruptcy of any licensee, his guardian, executor, administrator, receiver, or trustee in bankruptcy, may, upon written authority from the Board, continue the business of the licensee on the licensed premises for the duration of the license, unless sooner terminated.

(34) *Every brewer and beer wholesaler shall post and keep posted with the Washington State Liquor Control Board at its office in Olympia, Washington, a price list which shall be uniform for the same class of trade buyers in any trade area within the State and shall set forth (a) all the brands and types of products offered for sale by such brewer or beer wholesaler, (b) the sale price thereof to various classes of trade buyers for distribution or resale within the State of Washington, and (c) all other terms of sale of such products.*

*After the initial price posting, no subsequent price posting shall become effective until ten days after filing with the Board provided, however, that if the price posted is not lower than the lowest price in effect in the trade area at the time of such posting it shall become effective immediately.*

*All postings shall at all times be open to inspection to all trade buyers within the State of Washington and shall not in any sense be considered confidential.*

*Any brewer or beer wholesaler who shall sell any such product to any licensee at a price different from his posted price applicable to such trade buyer shall be deemed to have violated section 90 of chapter 62 of the Laws of the Extraordinary Session of 1933, as amended by Section 14 of Chapter 174 of the Laws of 1935.*

*Initial price postings must be filed with the Washington State Liquor Control Board at Olympia not later than August 1st, 1935.*

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## C. IMPORTATION OF LIQUOR

(1) Pursuant to Section 49 (2) of the Washington State Liquor Act, importations of liquor (except beer, alcoholic content of which does not exceed four per cent by weight, and sacramental wines consigned to any clergyman or religious organization) cannot be made to any point in the State of Washington, for use or sale therein, unless such importations be consigned to the Washington State Liquor Control Board. Acceptance by the carrier of liquor not so consigned should be refused, as delivery thereof will be denied by the Board.

(2) Shipments of liquor to be stored in the State of Washington, for transshipment to points beyond the state, must be consigned to the Washington State Liquor Control Board, for the account of the shipper, in care of such public warehouses as are authorized by and bonded to the Washington State Liquor Control Board. A list of qualified warehouses will be furnished upon request.

(3) Samples of liquor for the purpose of submission of quality thereof to the Board, and to prospective purchasers from without the State of Washington, shall be consigned to the Washington State Liquor Control Board at Olympia, Washington, or in care of the Stacy Lander Warehouse, Seattle, Washington, and only released therefrom by the Board, or its authorized representatives, in writing.

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## D. RECTIFIERS

(1) No manufacturer (Rectifier) shall import alcohol, malt and/or other materials containing alcohol to be used in the manufacture of liquor or other products, until he shall have first made application for a manufacturer's license, State Form No. 2105, and also application for a Special Permit (Importation), State Form No. 2155, and procured from the Board said license and permit. No manufacturer's (Rectifier's) license shall be issued, however, until satisfactory evidence is furnished the Board that the applicant holds all permits required by the Federal Government.

(2) The application for a manufacturer's license shall be accompanied by bond in the penal sum of not less than *One* Thousand Dollars *($1,000.00)*, to be fixed and approved by the Board, conditioned that the licensee shall faithfully comply with all the provisions of the Washington State Liquor Act and the rules and regulations thereunder, shall not divert alcohol or other materials containing alcohol to any other use than the manufacture of liquor or product of the licensee, and shall account for all liquor or other products so manufactured while in the possession of said licensee and until delivered to a common carrier. Upon breach of any of the foregoing conditions the principal shall pay the sum of Ten Dollars ($10.00) per proof gallon as a penalty therefor.

(3) Duplicate copies of monthly returns, transcripts, notices or other data, as required by the Federal Government, must be furnished the Board not later than the 10th of each month. In addition thereto such rectifiers shall furnish the Board duplicate copies of the bills of lading, covering all shipments of the products of the licensee.

(4) The application for a special permit by a manufacturer who imports alcohol, malt or other materials containing alcohol to be used in the manufacturing of liquor or other products shall be accompanied by bond in the penal sum of not less than One Thousand Dollars ($1,000.00), to be fixed and approved by the Board, conditioned that the permittee shall faithfully comply with all the provisions of the Washington State Liquor Act and the rules and regulations thereunder, and shall at all times fully protect said alcohol, malt or other materials containing alcohol, against any diversion to other uses upon and after its receipt thereof from a common carrier.

(5) All laws and rules and regulations of the Federal Government, or any subsequent modifications thereof, not inconsistent with the provisions of the Washington State Liquor Act or the rules and regulations thereunder, are by reference hereby adopted and promulgated as the rules and regulations of this Board.

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## E. LIQUOR AGENCIES

Pursuant to Section 69 (1 aa) of the Washington State Liquor Act, the following rules and regulations are hereby promulgated and adopted:

(1) For the purpose of establishing liquor agencies, localities shall be classified in accordance with the 1930 census as follows:

Class "A"—Exceeding 2,000 population.

Class "B"—1,000 and not exceeding 2,000 population.

Class "C"—Less than 1,000 population.

(2) The liquor vendors of these agencies shall receive the following tentative compensation: Class "A" $60.00 per month; Class "B" $45.00 per month; Class "C" $30.00 per month. The compensation so fixed may be changed from time to time depending upon facts and circumstances of each particular agency.

Liquor vendors shall be agents of the Board and shall be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store and subject to such additional rules and regulations consistent with the Act as the Board may from time to time promulgate. Liquor vendors are employees of the Board; tenure of their employment remains unfixed and indefinite and may be terminated at will.

(3) All employees under the direction of the liquor vendor shall be subject to the rules and regulations of the Board so far as they relate to the conduct of the agency and the sale of liquor thereat.

(4) No liquor shall be sold at any such agency except on written order dated and signed by the purchaser stating the number of his permit or license and the nature and quantity of the liquor ordered. The permit of the purchaser or the certificate of a licensee shall be produced for inspection and the liquor sold for cash only.

Deliveries of liquor shall be permitted only in the store of the liquor agency.

(5) The sale price of liquors fixed by the Board for state liquor stores shall prevail in all agencies, and a list of such prices shall be kept by the liquor vendor in a conspicuous place for the convenience of the public.

(6) The initial stock of liquor shall be obtained from the warehouse of the Washington State Liquor Control Board and shall be replenished from time to time in such manner as the Board may direct. All stock must be receipted for by the liquor vendor.



(7) The liquor stock of the vendor must always be maintained in accordance with the requirements of the Board. The liquor vendor shall be held responsible for and accountable to the Board for all liquor stock and/or the proceeds therefrom. Said liquor vendor shall furnish the Board a good and sufficient bond to be approved by the Board, conditioned for his faithful performance and that he will well and truly account for the stock of liquor placed in his possession and/or the proceeds therefrom. The penal sum of this bond shall be commensurate with the stock and/or monies on hand and shall in no event be less than One Thousand Dollars ($1,000.00).

(8) The liquor vendor shall account for all liquors on hand and report all sales thereof to the Auditor of the Washington State Liquor Control Board on the first day of each month for the preceding month, giving a full and complete inventory and a detailed and correct statement of all sales made. All sales slips shall be retained and at the time of accounting delivered to the Auditor.

(9) The liquor vendors shall, at their own expense, provide facilities for handling the liquor stock, including the store room and the shelving therein. There shall be no window or other display case. The stock of liquor shall be placed and remain on the shelves in a conspicuous place for the convenience of customers. No liquor vendor shall solicit or promote the sales of liquor or recommend any particular brand thereof, and shall be otherwise subject to and guided by the rules and regulations pertaining to state liquor stores.

(10) No liquor shall be dispensed on Sundays nor during the time the polls are open on any general, special or primary election day.

(11) Liquor vendors shall be supplied with individual and other permit blanks. The liquor vendor is authorized to issue these permits, receive the fee therefor and shall remit same to the Board on the first day of each month, for the preceding month.

(12) The liquor vendor shall be subject to all rules and regulations now pertaining to or hereafter promulgated by the Board covering the powers and duties of the vendors and employees of th state liquor stores.

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## F. ADVERTISING

(1) The passing of money or other valuable consideration by a manufacturer, distributor or beer wholesaler to a retailer, directly or indirectly, for advertising space in or upon the property of the said retailer is hereby prohibited; likewise the passing of money or other valuable consideration by a manufacturer, distributor or beer wholesaler, directly or indirectly, to any person, to pay in whole or in part for advertising of any nature on behalf of a retailer or from which a retailer may or will derive any advertising benefits, or which bears the name or address or other description of a retailer, is hereby prohibited; nor shall the name of a retailer appear in or as part of or supplementary to the advertising of a manufacturer, distributor or beer wholesaler, *nor shall the name of a manufacturer, distributor or beer wholesaler appear in any retailer's advertisement.*

(2) No signs or other matter advertising *alcoholic beverages* or any brands thereof, or using the words "bar," "barroom," "saloon" or words of like or similar import, shall be erected or placed upon the outside of any building in which *alcoholic beverages* are licensed to be sold at retail, or in close proximity thereto, and no advertisement whatsoever shall contain the words, "bar," "barroom," "saloon" or words of like or similar import.

(3) Signs or other advertising matter within the licensed premises of the retailer shall not be of an obnoxious, gaudy, blatant or offensive nature and shall in no manner obstruct the view of the interior of the premises from the street, and shall be limited to illuminated or unilluminated signs of not to exceed in area 630 square inches and no one dimension to exceed 42 inches. In no case shall any sign or other advertising matter obstruct more than one-third of the total area of a display window. Any sign so displayed shall be paid for by the retail licensee; Provided, however, A manufacturer, distributor or beer wholesaler may furnish to retail dispensers a *copyrighted* sign, not exceeding the area and dimensions herein prescribed, bearing only the name of the manufacturer, distributor or beer wholesaler and/or the trade or copyrighted name or brand of the product.

(4) Any sign heretofore erected not conforming with these regulations shall be made to conform thereto or shall be removed forthwith.

(5) *The rules and regulations of the Federal Government with respect to advertising of alcoholic beverages now in effect or hereafter promulgated are hereby adopted by reference as the rules and regulations of the Washington State Liquor Control Board in so far as they are consistent herewith.*

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(6) *No advertisement for the sale of alcoholic beverages shall use any code number, insignia or other device that may be in use by the Washington State Liquor Control Board, nor shall any such advertisement refer in any way to the Washington State Liquor Control Board, its stores or agencies.*

N. B. The Board gave serious consideration to the adoption of regulations further restricting advertising of alcoholic beverages. Extensive hearings and study made it apparent that the regulations contemplated by the Board were discriminatory as to certain methods of advertising. The jurisdiction of the Board being restricted to the state, it is without power to regulate advertising media such as radio and magazines coming from without the state.

In lieu of these regulations the Board has sought to impress upon advertising agencies the necessity for propriety and moderation in advertising alcoholic beverages. These agencies have indicated their desire to exercise such control through self-imposed regulation. The Board is giving them an opportunity to do this and, therefore, has not made regulations but contemplates the issuance of recommendations relating to the nature and character of advertising which may act as a guide for these advertising media.

These recommendations will be prepared and sent to the various advertising media.

## G. CLUBS

In these regulations:

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

(1) The issuance of any license by the Washington State Liquor Control Board shall not be construed as granting a vested right in any of the privileges so conferred and any misrepresentation of fact in the application for such license, or in any reports of the licensee to the Board, shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of such application or the revocation or suspension of said license by the Board.

(2) No license privileges shall be transferred or sublet, and in case of sale or transfer of the club business in connection with which the licensed activities are conducted, the license holder or purchaser shall immediately submit to the Board a statement under oath showing the name and address of the purchaser and any other person directly or indirectly interested in the club. If the licensee is a corporation, any sale, pledge or other disposition of its corporate stock which results in transferring the control and management of the club shall terminate its license.

(3) Upon the loss or destruction of a license, a duplicate thereof may be issued upon furnishing affidavit of such loss or destruction, or upon such other evidence as may be required by the Board. Fee for such duplicate license shall be $5.00.

(4) The Board shall first be notified and its consent given in writing before any license shall apply to any other location than the licensed premises. Fee for change of licensed location, $5.00.

(5) No refund will be made by the Washington State Liquor Control Board upon a suspension, cancellation or surrender of a license or because of discontinuance of club by the licensee. There will be returned to the applicant the amount tendered with his application upon denial of such application.

(6) Every club shall keep and maintain within the club a complete register of the members thereof, which said register shall disclose a complete list of the name, identity, and address of each member of the club and permit number, if any, and such register shall be open for inspection at all reasonable times to any inspector or other authorized agent of the Board.

(7) Every club shall furnish the Board with a list of officers of the club *and shall, from time to time, when any change occurs in its roster of officers by reason of election or appointment, immediately thereafter notify the Board of such change.*



(8) Any inspector or other authorized agent of the Board shall, for the purpose of preventing or detecting any violation of any of the provisions of this Act or regulations thereunder, at all reasonable times, have the right to enter into any and every part of the club premises, and to make such searches in any part of the club premises as he may deem necessary for the purposes aforesaid, and for any such purpose aforesaid may, with such assistance as he deems necessary, break open any door, lock, or fastening of such premises or any part thereof, or of any locker, closet, cupboard, box or other receptacle which might contain liquor.

(9) The entrance or membership fee and the annual subscription or dues fixed by the constitution and by-laws of the club shall be bona fide and reasonable, having regard in every case to the aims and objects of the club, its membership, and the circumstances and conditions under which it exists and is conducted or carried on. Each licensed club shall furnish the Board with a copy of its house or club rules.

(10) Licensed premises must always be equipped with safe drinking water, equipment for proper sterilization of eating and drinking utensils and methods for the sanitary disposal of sewage as provided for in the Rules and Regulations of the Washington State Board of Health, which are, by reference, made a part of these Rules and Regulations.

(11) The books and accounts of the club shall be open at all reasonable times to inspection and audit by the Board, whose agents shall be entitled to make copies thereof or abstracts therefrom.

(12) Every applicant for a club license shall satisfy the Board that its revenue from all sources is sufficient to permit of its legitimate operation as a club as contemplated by the Washington State Liquor Act.

(13) *A licensed club may not own any liquor nor shall any club* its members or employees be permitted to sell any liquor, nor shall liquor other than that belonging to a bona fide member *or to a "pool" composed of bona fide members,* be kept on the premises of the club beer and wine excepted, provided that the club may make a reasonable charge for serving and/or mixing members' liquor.

(14) *Each club must specify and describe in its application for a club license that portion of the club premises to be used for the servicing and consumption of liquor and the storage of the same. The operations under a club license must be confined to those parts of the premises submitted in the application and approved by the Board.*

(15) *Except where the "pool system," as hereinafter described, is approved by the Board, all licensed clubs must provide lockers for each*

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*individual member desiring the club privileges. The individual member must purchase his own liquor at a state liquor store or agency and keep the same in his own locker, the club being privileged to service the same and charge a fee for said service. Members' liquor must be sufficiently segregated and identified so that the member's ownership may be readily identified.*

(16) *Upon application and in proper cases, at the sole discretion of the Board, permission may be given to a licensed club, allowing operation of "pools," as hereinafter described; but no club shall operate a "pool" without first receiving such permission from the Board.*

(17) *Those clubs permitted to use the "pool system" may designate one or more of their members or employees as a purchasing agent or agents, which designation shall first be approved by the Board. Under the "pool system" bona fide members in good standing may contribute definite amounts of money to a "pool." The purchasing agent may then purchase liquor for the said "pool."*

(18) *Each club operating "pools" must, upon collecting contributions to the "pool," assign a definite percentage of said amount to the purchase of liquor, and a percentage to the cost of servicing said liquor.*

(19) *The members who contribute to a "pool" shall receive scrip books containing scrip of varied denominations which will entitle them to receive drinks from the liquor purchased for said "pool," upon the payment in scrip of the required amount. Upon receiving his book of scrip the member must sign his name on the cover of the same. Scrip books shall be issued containing scrip of the value of $2.50, $5.00 or $10.00.*

(20) *No person may be included in any "pool" unless he is a bona fide member in good standing and is the owner and holder of an individual permit, properly issued by the Washington State Liquor Control Board, nor shall any scrip be accepted by the club unless tendered by the owner.*

(21) *It shall be the duty of each licensed club operating "pools" to keep separate accounts showing:*

(a) *All funds collected for each "pool."*
(b) *The percentage of said fund assigned to the purchase of liquor.*
(c) *The percentage of said fund assigned to service charge.*
(d) *The amount of liquor purchased for each "pool."*
(e) *Liquor inventory at the end of each month.*
(f) *The names of the members of each "pool."*
(g) *Individual permit number of each member contributing to "pool."*

(22) *Scrip shall not be transferable nor shall it be redeemed or refunded in any manner.*

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## H. PUBLIC STORAGE WAREHOUSES

(1) No public storage warehouse shall receive or store or otherwise handle any liquor, except beer or sacramental wine, without being first authorized in writing so to do by the Washington State Liquor Control Board.

(2) Any public storage warehouse that is bonded to the Federal Government and wishes to accept liquor for storage must furnish to the Washington State Liquor Control Board a bond in the penal sum of not less than Five Thousand Dollars ($5,000.00) in form prescribed by the Board, conditioned upon faithful performance and compliance with the provisions of the Washington State Liquor Act and rules and regulations thereunder.

(3) Upon arrival of a shipment of liquor, a copy of the warehouse receipt covering such shipment shall be immediately forwarded to the Washington State Liquor Control Board.

(4) At the time liquor is shipped from public warehouses to a point without the state a copy of the delivery order and the bill of lading representing such shipment shall be immediately forwarded to the Washington State Liquor Control Board, or when the liquor is transferred to another authorized warehouse within the State of Washington for the purpose of consolidating shipments for transportation outside of the state a copy of signed delivery order covering such transfer shall be immediately forwarded to the Washington State Liquor Control Board.

(5) No shipments of liquor shall be accepted or stored in a public storage warehouse except in original packages.

(6) Each warehouse shall keep a perpetual inventory of all stocks of liquor and a copy of the inventory shall be mailed to the Board not later than the tenth of each month and at such other times as the Board may require and shall show all receipts and shipments made during the preceding month.

(7) Adequate records shall be maintained by all warehouses to show the following information:

(a) Date shipment received.

(b) Name and address of consignor.

(c) Name and address of consignee.

(d) Kind of liquor.

(e) How shipped.

(f) Number and size of containers and shipment.

(g) Date of delivery.

(h) Name of party to whom goods were delivered.

(i) How and by whom delivered.

(8) Reports on form provided shall be made under oath to the Washington State Liquor Control Board as often as required.

(9) The books and records pertaining to liquor receipts, storage and shipments, shall at all times be open for inspection by the Board or its authorized representatives who shall have access to the warehouse at any time during business hours for the purpose of inspecting records and inventory of floor stocks.

(10) Inspection and auditing cost incurred by the Board shall be charged as actual cost to each warehouse concerned at the rate of eighty cents (80c) per hour per man for the elapsed time of journey.

(11) Any liquor shipped into the State of Washington, or stored therein, contrary to the provisions of the Washington State Liquor Act or the rules and regulations thereunder, shall be subject to immediate seizure and confiscation.



## I. Domestic Wineries

(1) *No "domestic winery" license shall be issued except to those manufacturers or producers whose wines are produced exclusively and entirely from fruits or fruit products grown within the State of Washington.*

(2) *No "domestic winery" license shall be issued to any person, firm or corporation holding a (commercial) winery license.*

(3) *No "domestic winery" license shall be issued to any person, firm or corporation holding any retail beer and/or wine license.*

(4) *Every package—and by package is meant bottle—sold by a domestic winery shall bear a tax stamp, which stamp shall be affixed to the bottle, on the shoulder thereof, directly above the manufacturer's label. Such stamps will be issued in the following denominations:*

*one-tenth gallon*
*one-eighth gallon*
*one-fifth gallon*
*one-fourth gallon*
*one-half gallon*
*one gallon*

(5) *Stamps will be supplied in sheets of 100 of each denomination, and no lesser number than one full sheet will be sold by this Board. The cost per sheet will be as follows:*

| | |
|---|---|
| *one-tenth gallon denomination* | *$1.00* |
| *one-eighth gallon denomination* | *1.25* |
| *one-fifth gallon denomination* | *2.00* |
| *one-fourth gallon denomination* | *2.50* |
| *one-half gallon denomination* | *5.00* |
| *one gallon denomination* | *10.00* |

(6) *Every tax stamp is to be cancelled by the winery when it is placed on the bottle, such cancellation to take the form of the date the stamp is affixed (a small rubber stamp dater may be used).*

(7) *In addition to affixing the tax stamp, wineries will be required to place the Washington State Liquor Control Board seal over the cork of each package, and such seals will be furnished when stamps are purchased, in an equal number to the stamps purchased.*

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(8) *Every bottle of wine shall bear a distinctive label, which label shall show:*

*The nature of the content of the bottle.*
*Name of the person by whom the wine is manufactured.*
*The place where the wine is manufactured.*
*The maximum alcohol content of such wine.*
*Whether such wine is fortified or unfortified.*
*A statement that the wine is produced exclusively and entirely from products grown in the State of Washington.*

*This latter statement may be placed on a separate sticker to be affixed to the bottle either directly above or below the principal label.*

(9) *No bottles shall be used that do not conform in capacity to those set forth above.*

(10) *Within ten days after the close of each calendar month each domestic winery shall furnish the Board with a statement of production, stock on hand at the beginning and close of the month, and report of sales during the month. Such report of sales shall set forth the number of each size container and the kind of wine, but it will not be necessary to give in detail the names of purchasers unless from time to time this Board requests such information.*

(11) *A sales slip giving the name and address of the purchaser and showing in detail the number of packages sold together with the size of each such package must be furnished to the purchaser for each and every sale made, the original of which must be retained and kept by the domestic winery for at least six months after such sale.*

(12) *All laws and rules and regulations of the Federal Government, or any subsequent modifications thereof, not inconsistent with the provisions of the Washington State Liquor Act or the Rules and Regulations thereunder, are by reference hereby adopted and promulgated as the Rules and Regulations of this Board.*

(13) *Domestic wineries are permitted to appoint agents for the sale, distribution or storage of wine subject to the following conditions:*

(a) *Only regularly licensed beer wholesalers may act as such agents.*

(b) *All appointments of agents for wine sales, distribution or storage must be first approved by the Board.*

(c) *Any licensed beer wholesaler desiring to act as agent for a domestic winery must furnish to the Washington State Liquor Control Board a bond in the penal sum of One Thousand Dollars ($1,000.00) in form prescribed by the Board, conditioned upon faithful performance and compliance with the provisions of the Washington State Liquor Act and the Rules and Regulations thereunder.*



(14) *Title to all wine must remain in the winery until sold by the agent to a licensed retailer. The sale of wine to a beer wholesaler or to anyone other than a retail licensee is prohibited whether such sale be by consignment or otherwise.*

(15) *All wine sold by the agent shall be sold in the name and on behalf of the winery.*

(16) *The agent shall receive compensation by way of salary or commission only.*

(17) *No shipments of wine shall be accepted or stored by an agent except in original packages. Bottling by agents is prohibited.*

(18) *Each agent shall keep monthly accounts and records showing all wine received from the domestic winery, the sales made to retail licensees and the amount of wine remaining on hand at the end of each month. The records shall also show from whom the wine was received and to whom the same was sold.*

(19) *Nothing in these regulations shall apply to or prevent a domestic winery from employing its own salesmen who may solicit sales of wine direct from the winery.*

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## J. Release of Surety on Bonds

(1) *In conformance with these regulations, any surety on a bond may at any time notify the principal and the Washington State Liquor Control Board, in whose office the bond is on file, that he desires after a date named, which shall be at least 60 days after the time of notification, to be relieved of liability under said bond. Said notice shall be executed in duplicate by the surety who shall deliver one copy to the principal and the other to the Washington State Liquor Control Board. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice (unless supported by other bond or bonds) and the surety shall be relieved from liability under said bond for any acts done wholly subsequent to said date; provided, however, that if the principal fails to execute a new or superseding bond or bonds, said bond shall remain effective until there shall have been taxpayment or proper accounting for any liquor on hand at the date named in said notice; or in the case of taxfree or specially denatured alcohol until there shall have been proper account therefor. Said notice may not be given by an agent unless it is accompanied by a power of attorney duly executed by the surety authorizing him to give such notice or by a verified statement that such power of attorney is on file with the Insurance Commission. Likewise any principal on any such bond may be relieved of liability thereunder, in accordance with the procedure outlined above, by notifying the surety and the Washington State Liquor Control Board and by conforming with said procedure.*



(Amended Regulations, Sec. 67—November 18, 1934.)

## K. Regulations Relating to Sanitation of Public Eating and Drinking Places

**STATE BOARD OF HEALTH**

**Adopted, by Reference, by the Washington State Liquor Control Board**

**Public Eating and Drinking Places Defined.**

Sec. 67. (a) For the purpose of this regulation, the words "public eating and drinking place" shall mean any place where food or drink is served to or provided for the public with or without charge; such as hotels, restaurants, cafes, cafeterias, boarding houses; street vendors or stalls; ice cream saloons, soda water or soft drink fountains, bars or taverns; private, public, parochial or Sunday schools; churches, hospitals and public institutions; industries, factories, shops, offices, office buildings, stores; railway stations, parks, picnic grounds, fair grounds, camp-meeting grounds; theatres or motion picture houses; public pumps, wells, springs or other water supplies, etc.

**Proprietor Defined.**

(b) For the purpose of this regulation, the word "proprietor" shall mean any person, firm or corporation who conducts a public eating or drinking place.

**Employee Defined.**

(c) For the purpose of this regulation, the word "employee" shall mean any person employed in a public eating or drinking place who does or may in any manner handle or come in contact with food or drink served to, or provided for the public; and shall include the proprietor or manager or any member of his family if they handle said food or drink.

**Health of Employees.**

(d) No person who is suffering from any disease of a communicable nature externally visible or not, such as trachoma, active tuberculosis of the lungs, open skin tuberculosis, active syphilis, gonorrhea, open external cancer or barbers itch, etc., shall be an employee in or about any part of a public eating or drinking place within the limits of the State of Washington.

**Medical Inspection.**

(e) The proprietor of every public eating and drinking place shall institute and maintain a medical inspection of all of his employees at intervals of at least twice a year for the purpose of compliance with paragraph (d) of this section: Provided, however, That this periodic inspection shall not be cause for maintaining in employment any employee found to be suffering from any communi-

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cable disease in the interim. The said medical inspection shall be made by a reputable registered doctor of medicine and filed with the County Board of Health upon forms approved by the State Department of Health: Provided, That the medical inspection of all public eating and drinking places located within the corporate limits of cities, may be made by and filed with the City Health Department having jurisdiction.

**No Carrier of Communicable Diseases Shall Be an Employee.**

(f) No person who is a carrier of any communicable disease, such as typhoid fever, diphtheria, septic sore throat, scarlet fever, etc., shall be an employee in or about any part of a public eating or drinking place after written notice that such employee is a carrier of a communicable disease has been served upon the proprietor by a physician or by the County Board of Health or by any officer of the Board of Health or of the State Department of Health.

**Place and Employees to Be Kept Clean.**

(g) Every proprietor of a public eating or drinking place shall keep the said place and all substances used therein for food or drink in a clean, wholesome and sanitary condition free from dust, flies, insects and animals. The refrigerator, ice boxes and cold storage rooms must be free from foul and unpleasant odors, mold and slime. The kitchen must be well ventilated and lighted, the floor clean and the side walls and ceiling free from cobwebs and accumulated dirt.

All employees in such places shall keep themselves and their clothing in a clean condition.

No employee shall handle any food or drink after having visited a toilet without thoroughly washing the hands with soap and water.

**Garbage Disposal.**

(h) Every proprietor of a public eating place shall provide and maintain in a suitable location a sufficient number of garbage containers of watertight construction made of non-absorbent material and provided with handles and close-fitting covers and all garbage shall be kept therein, pending its removal and disposal. Filled garbage containers shall not be allowed to remain in any room where food is prepared or eaten.

**Doors and Windows to Be Screened.**

(i) All doors, windows and other openings of any public eating or drinking place shall be provided with wire screens or netting with 18 mesh to the square inch, so constructed and maintained as to prevent the ingress of flies or other insects.

**Cleansing of Eating and Drinking Utensils.**

(j) 1. All cups, dishes, spoons, knives, forks and other eating and kitchen utensils in public eating places, must after using be thoroughly washed with soap and water having a temperature above 130 degrees Fahrenheit, and rinsed in clean water. Food served



to customers and then returned to the kitchen or serving room must not again be served.

2. All glasses and other utensils which are used for serving beverages in public eating and drinking places must after using be cleansed and sterilized by one of the following methods:

METHOD I. Washed in clean hot water containing soap or other effective cleansing agent in such a manner as to remove completely all visible foreign matter, then rinsed in clean water until the cleansing water is thoroughly removed; then exposed to live steam, in a closed container, for a period of not less than five minutes; or exposed to dry air, the temperature of which has been raised to 175° Fahrenheit, in a closed container, for a period of not less than fifteen minutes; or immersed in boiling water for a period of not less than one minute.

METHOD II. Washed in clean hot water containing soap or other effective cleansing agent in such a manner as to remove completely all visible foreign matter, then immersed for a period of not less than one minute in clean water to which has been added a chlorine disinfectant in such quantity as to yield, at all times, not less than 25 parts per million of available chlorine; then rinse in clean water until the cleaning solution is thoroughly removed.

METHOD III. Washed in clean hot water containing an inorganic cleansing agent, to which has been added a chlorine disinfectant in such quantity as to yield, at all times, not less than 50 parts per million of available chlorine, in such a manner as to remove completely all visible foreign matter; then rinsed in clean water until the cleaning mixture is thoroughly removed.

Method I is recommended.

By any method used the final test for sterility and cleanliness shall be freedom from bacteria, chemical reagent, and any other foreign matter.

Glasses and other utensils used for serving beverages should be kept inverted in a place free from dust and other contaminating materials until used.

**Spittoons.**

(k) Spittoons must not be used in any place where food is served.

**Toilets.**

(l) Toilets for employees or public use shall not be located in rooms used for preparing or storing foods.

**Hog Pens and Stables.**

(m) The proprietor of any eating place shall not keep a hog pen or stable nearer than 200 feet therefrom.

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