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Washington State Adopts New “Contract Kitchen” Rules for Breweries and Microbreweries

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Effective June 6, 2026

On May 6, 2026, the Washington State Liquor and Cannabis Board (LCB) approved [final rules](#) addressing the parameters of contracted food service options for domestic breweries and microbreweries seeking to obtain a restaurant license to serve wine and cocktails by the drink in addition to beer. The rules implement [Engrossed House Bill 1602](#) (EHB 1602) and will become effective on June 6, 2026.

Background

Historically, a Washington brewery or microbrewery seeking to obtain a restaurant license needed to operate a full-service kitchen on the licensed premises to satisfy certain food requirements imposed by the LCB. For many breweries in the state, this meant retrofitting production facilities, purchasing expensive kitchen equipment, developing a menu satisfactory to meet the State's food service requirements and securing the proper health permits for food service.

EHB 1602 and the LCB's most recent rulemaking aim to address these operational challenges and costs by allowing domestic breweries and microbreweries to subcontract with one or more individuals or entities, including mobile food trucks, to satisfy the food service requirements necessary to obtain and maintain a restaurant license.

What's Allowed

Breweries and microbreweries are now specifically allowed to contract with a "mobile food unit" (i.e., a food truck that sells food and nonalcoholic beverages to the public and does not hold a retail liquor license) instead of operating their own kitchen. The contract with the food truck must include various items, including a diagram of the food truck kitchen plan, notification regarding WSLCB inspection, and terms to ensure compliance with WSLCB food service requirements. Any changes to the contract must be submitted to the WSLCB. While the brewery/microbrewery may own and operate the mobile food unit, ownership is not a requirement. Notably, the LCB's rules do not limit food service contracting/leasing/subleasing to mobile food units only. The rules now also allow breweries and microbreweries to lease or sublease a portion of their licensed premises to a third-party food provider for the purpose of operating a kitchen, subject to the same privileges and restrictions as contracted mobile

food units. These recent changes create opportunities for breweries and microbreweries to take advantage of restaurant license privileges while leaving the kitchen duties to someone else.

Restrictions

While EHB 1602 and the associated LCB rules are a win for Washington's beer industry, there are a few limitations to keep in mind:

- Any contracted food service staff member who is not employed by the brewery/microbrewery is not permitted to serve alcohol.
- Non-taxpaid alcohol must be "substantially separated" from areas of the licensed premises that are regularly accessed by the owner or staff of the food truck or food service provider, generally meaning that the non-taxpaid alcohol must only be accessible to the brewery/microbrewery or are otherwise not regularly accessed by the food service provider.
- Once granted a restaurant license, there are "no excuses" for not having available, compliant food services. In other words, breweries and microbreweries must ensure that all applicable food service requirements are satisfied at all times that they are open for business. If the food service provider cancels, too bad! The brewery/microbrewery is still responsible for meeting food service requirements during its operating hours. The brewery/microbrewery cannot choose to stop operating under its restaurant license and only serve beer under its brewery/microbrewery license during its operating hours.

Final Takeaways

These amendments represent a practical expansion of options for Washington's brewing industry. Domestic breweries and microbreweries that wish to serve spirits or wine alongside their own beer-by holding restaurant licenses-no longer need to independently build and staff a full kitchen. Instead, they may leverage food trucks, contracted food service providers, or leased kitchen arrangements to meet the LCB's food service mandates. However, licensees should carefully review the compliance obligations before entering into these arrangements, as the rules make clear that the brewery/microbrewery remains ultimately responsible for continuous food service compliance regardless of contractor performance.

Please call a [Foster Garvey Alcoholic Beverage Attorney](#) for any questions or guidance relating to these new rules.

The information above involves complex legal considerations and is provided for general informational purposes only. It does not constitute legal advice. For guidance on specific legal matters, you should consult with an attorney. Foster Garvey requires engagement letters to establish the attorney-client relationship for new (or returning) clients and requires written confirmation to expand the scope of representation for existing clients.

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