

# HOUSE BILL REPORT

## SB 5365

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### As Passed House:

April 8, 1999

**Title:** An act relating to the preparation and sale of dietary supplements containing alcohol.

**Brief Description:** Regulating the preparation and sale of dietary supplements containing alcohol.

**Sponsors:** Senators Prentice and Winsley; by request of Liquor Control Board.

### Brief History:

#### Committee Activity:

Commerce & Labor: 3/22/99, 3/29/99 [DP].

#### Floor Activity:

Passed House: 4/8/99, 95-0.

### Brief Summary of Bill

- Exempts products defined as dietary supplements but that contain alcohol from regulation under the liquor laws regulating alcoholic beverages.
- Dietary supplements that contain more than one-half of 1 percent alcohol must be clearly labeled including a list of ingredients.

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## HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

**Staff:** Pam Madson (786-7166).

### Background:

The Liquor Control Board regulates the sale and distribution of alcoholic beverages. Some items that contain alcohol but are manufactured or prepared for use other than

as alcoholic beverages are not subject to the liquor laws regulating alcoholic beverages. Those items include flavorings, perfumes and lotions, and medications that contain alcohol. The item may be tested by the board and certified that it is a product that contains sufficient ingredients or medication to prevent its use as an alcoholic beverage.

Dietary supplements are defined under the Federal Food, Drug and Cosmetic Act as products containing vitamins, minerals, herbs or amino acids and are taken in pill, capsule or liquid form and are not represented as conventional foods.

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**Summary of Bill:**

Dietary supplements as defined under the Federal Food, Drug and Cosmetic Act containing alcohol are products that are not subject to the liquor laws regulating alcoholic beverages. Any dietary supplement that contains more than one-half of 1 percent alcohol must be clearly labeled including a list of the ingredients. Labeling must conform to the Federal Food, Drug and Cosmetic Act.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The board was made aware earlier in the year that there were products being sold in convenience stores that contained alcohol but were not properly labeled. The board was alerted by the federal Bureau of Alcohol, Tobacco and Firearms that such products were being sold. We also discovered that there were dietary supplements that were being sold that also contained alcohol for use as a solvent and for which there is no statutory exemption from the definition of liquor. These are products that are not intended as beverages or fit for use as an alcoholic beverage. There is a definition and exemption in federal law and this bill brings Washington law into conformity with federal regulations.

**Testimony Against:** None.

**Testified:** Rick Garza, Washington State Liquor Control Board; and Michael McGuffin, American Herbal Products Association.