
Commerce & Gaming Committee

HB 1351

Brief Description: Authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption.

Sponsors: Representatives Sawyer, Vick, Springer, Barkis, Blake, Fitzgibbon and Haler.

Brief Summary of Bill

- Creates a combination spirits, beer, and wine license ("combination license") authorizing the sale of such liquors at retail for off-premises consumption.
- Establishes that the holder of the combination license may sell spirits at retail without obtaining a separate spirits retail license.
- Establishes that a holder of the combination license is eligible for the same liquor license endorsements available to grocery stores and beer and/or wine specialty shop licensees.
- Establishes that a grocery store licensee eligible for a wine and/or beer license may be eligible for the combination license, and thus sell spirits at retail, provided it otherwise meets the requirements for the combination license.
- Establishes that a beer and/or wine specialty shop licensee may be eligible for the combination license, and thus sell spirits at retail, provided it otherwise meets the requirements for the combination license.

Hearing Date: 1/31/17

Staff: Thamas Osborn (786-7129).

Background:

History and Overview of the Spirits Retail License System.

Initiative Measure No. 1183 (I-1183), passed by the voters in November 2011, transferred the responsibility for the distribution and retail sale of spirits from the Liquor Control Board (now the "Liquor and Cannabis Board" or "LCB") to the private sector. Following the passage of

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I-1183, those private businesses licensed by the LCB to sell spirits at the retail level were designated as "spirits retail licensees." Such licensees generally fall into two categories: (1) qualifying grocery stores and beer and/or wine specialty shops, and other large retail establishments encompassing at least 10,000 feet of enclosed retail space; and (2) smaller liquor stores that are either former state-owned liquor stores or former "contract liquor stores" that sold liquor on behalf of the State pursuant to contracts with the LCB prior to the passage of I-1183.

All spirits retail licensees are required to pay an annual license issuance fee to the LCB. Large spirits retail licensees, with retail space exceeding 10,000 square feet, must pay a license issuance fee equivalent to 17 percent of all spirit sales revenues. Beginning on June 30, 2013, former state liquor stores and former contract liquor stores were granted a limited exemption from the payment of the 17 percent license issuance fee for specified types of spirits sales. Specifically, such stores are exempt from payment of the 17 percent fee with respect to spirits sales to those retailers licensed to sell spirits for consumption on the premises (i.e., bars and restaurants).

Overview of Retail Liquor License Types.

Liquor retailers eligible for licenses authorizing the retail sale of beer and wine for off-premises consumption generally fall into one of two categories: (1) grocery stores; and (2) businesses licensed as beer and/or wine specialty shops. Either type of business may be eligible to sell spirits as well, provided it obtains a separate spirits retail license. And, except for those beer and/or wine specialty shops that were formerly operating as state-owned liquor stores or state contract liquor stores, eligibility for a spirits retail license requires that the business consist of at least 10,000 feet of enclosed retail space, subject to specified exceptions.

Currently, there is no single license that authorizes the retail sale of spirits, beer, and wine.

Liquor License Endorsements Available to Qualifying Grocery Stores and Beer and/or Wine Specialty Shops.

The LCB is authorized to issue to qualified applicants special liquor license endorsements allowing retail licensees to market products or engage in specified business practices that otherwise fall outside the parameters of the primary license. The types of license endorsements available to a retail licensee vary depending on the type of primary license the business holds. However, the types of license endorsements commonly available to eligible grocery stores and beer and/or wine specialty shops include those authorizing:

- wine and or beer tasting events;
- sales of growlers of beer and/or wine; and
- sales malt liquor in kegs or other large containers.

Summary of Bill:

Combination Spirits, Beer, and Wine License.

The act creates a combination spirits, beer, and wine license ("combination license") authorizing the sale of such liquors at retail for off-premises consumption. In addition to other specified requirements, eligibility for the combination license requires that the liquor retailer operate out of a facility with at least 10,000 feet of enclosed retail space. The annual fee for the license is \$250.

In addition to selling beer and wine, the holder of the combination license may sell spirits at retail without obtaining a separate spirits retail license. The combination license holder is subject to regulatory parameters that are largely the same as those imposed on grocery stores and beer and/or wine specialty shops that have spirits retail licenses. The holder of the combination license is eligible for the same types of liquor license endorsements available to grocery stores and beer and/or wine specialty shop licensees.

Holders of combination licenses are required to pay to the LCB an annual license issuance fee equivalent to 17 percent of all spirit sales revenues.

Grocery Store Licensees.

A grocery store licensed for the sale of wine and/or beer is eligible to obtain the combination license, and thus sell spirits at retail without a separate spirits retail license, provided it otherwise meets the requirements for the combination license.

Beer and/or Wine Specialty Shop Licensees.

A beer and/or wine specialty shop licensee is eligible for the combination license, and thus sell spirits at retail without a separate spirits retail license, provided it otherwise meets the requirements for the combination license.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.