

# SENATE BILL REPORT

## SHB 2419

---

As of February 21, 2018

**Title:** An act relating to beer, wine, cider, and mead at farmers markets.

**Brief Description:** Regarding beer, wine, cider, and mead at farmers markets.

**Sponsors:** House Committee on Commerce & Gaming (originally sponsored by Representatives Hargrove, Muri and Haler).

**Brief History:** Passed House: 1/29/18, 78-17.

**Committee Activity:** Labor & Commerce: 2/21/18.

### Brief Summary of Bill

- Authorizes a microbrewery to apply to the Liquor and Cannabis Board (LCB) for an endorsement to sell beer in growlers and cans at a qualifying farmers market.
- Removes the prohibition on selling strong beer at a farmers market.
- Authorizes a domestic winery to apply to the LCB for an endorsement to sell and sample bottles and growlers of mead or cider at a qualifying farmers market.
- Defines the term "growler."

---

### SENATE COMMITTEE ON LABOR & COMMERCE

**Staff:** Richard Rodger (786-7461)

**Background:** Domestic wineries and microbreweries may apply to the LCB for an endorsement to sell bottled wine or bottled beer at a qualifying farmers market for off-premises consumption. The endorsement includes the right to offer product tastings or samplings, with specified limitations. Winery and microbrewery employees who are involved in sampling activities must hold a class 12 or class 13 alcohol server permit.

The beer sold at qualifying farmers markets must be produced in Washington and the wine must be made entirely from grapes grown in a recognized Washington appellation or from

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

other agricultural products grown in this state. Microbreweries are prohibited from selling strong beer—beer containing more than 8 percent alcohol by weight—at a farmers market.

Qualifying farmers markets may apply to the LCB for authorization for any winery or microbrewery that holds the appropriate endorsement to sell wine or beer at a farmers market. A farmers market that is authorized for sales of wine and beer may also apply for an endorsement to allow sampling of wine or beer under specified conditions.

Up to a total of three wineries or microbreweries may offer samples at a farmers market per day. The samples must be two ounces or less and a winery or microbrewery may only provide a maximum of two ounces of wine or beer to a customer per day. Food must be available for customers to consume while sampling the wine or beer.

**Summary of Bill:** In addition to bottled beer, a microbrewery may apply to the LCB for an endorsement to sell beer in growlers and cans at a qualifying farmers market for off-premises consumption. The prohibition on selling strong beer at a farmers market is removed.

A domestic winery may apply to the LCB for an endorsement to sell bottles and growlers of mead or cider, of its own production, at a qualifying farmers market for off-premises consumption. The mead must have alcohol content equal to or less than 14 percent by volume. The mead and cider must be made from agricultural products grown in Washington.

The qualifying farmers' markets authorities are modified to allow for the application to the LCB to sell beer in growlers and to sell mead and cider in bottles or growlers. The farmers markets may also apply for an endorsement to allow the sampling of mead and cider.

The term "growler" is defined to mean a sanitary container brought to an authorized premises by the purchaser, or provided by a licensee, and filled at the tap by the licensee at the time of sale by an employee of the licensee.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: Currently microbreweries must bottle their beers in order to qualify to sell and sample their products at farmers markets. Many of these small businesses do not have the bottling facilities and are therefore precluded from participating in any farmers market. This bill would allow them to offer samples and sell their products in growlers. The bill will reduce waste and encourage recycling and make the businesses more efficient. Some microbreweries use the farmers markets as their main source to market their beers. The bill will not increase or encourage consumption as the breweries are limited to two samples containing two ounces of beer per customer, and the products are only sold for consumption off the premises. Microbreweries have very limited

options in the ways they can market and sample their products and this bill will help support these small businesses.

CON: While we are not strident in our opposition to this bill we are concerned that the cumulative effect of each of the alcohol related bills contributes to the normalizing of alcohol in places where families gather, such as farmers markets. The bill continues to blur the distinctions concerning drinking and driving by providing alcohol in settings where the purchasers will drive home. It continues the never-ending expansion regarding the sales and sampling of alcohol. People who are in recovery need places like farmers markets to be free of the odors and temptations of alcohol.

OTHER: The LCB was concerned with the original bill, but the substitute bill resolved those concerns. The cities' Alcohol Impact Areas are not likely to have any impact on sales of beer by microbreweries, as the areas prohibit high-alcohol content beer and wine that are available at a low cost to the purchaser. The products sold at the markets are not this type of product.

**Persons Testifying:** PRO: Representative Mark Hargrove, Prime Sponsor; Dominique Torgerson, Four Horsemen Brewery; Dane Scarimbolo, Four Horsemen Brewery; Donna Hinds-Scarimbolo, Four Horsemen Brewery; Melissa Earl, Lumber House Brewery; Annie McGrath, Washington Brewers Guild.

CON: Seth Dawson, Washington Association for Substance Abuse & Violence Prevention; James McMahan, Washington Association of Sheriffs & Police Chiefs.

OTHER: Rick Garza, Director, Liquor and Cannabis Board.

**Persons Signed In To Testify But Not Testifying:** No one.