

# HOUSE BILL REPORT

## HB 1672

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### As Passed Legislature

**Title:** An act relating to recorking wine at wineries and tasting rooms.

**Brief Description:** Allowing recorking wine at wineries and tasting rooms.

**Sponsors:** Representatives Steele, Kirby, Rude, Jenkin, Eslick and Doglio.

#### Brief History:

##### Committee Activity:

Commerce & Gaming: 2/5/19, 2/7/19 [DP].

##### Floor Activity:

Passed House: 3/1/19, 95-0.

Senate Amended.

Passed Senate: 4/10/19, 47-0.

House Concurred.

Passed House: 4/18/19, 94-0.

Passed Legislature.

#### Brief Summary of Bill

- Allows customers to remove recorked wine purchased for on-premises consumption from licensed domestic wineries and tasting rooms.
- Clarifies that customers are allowed to remove recorked sake purchased for on-premises consumption from restaurant liquor licensees.

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### HOUSE COMMITTEE ON COMMERCE & GAMING

**Majority Report:** Do pass. Signed by 10 members: Representatives Stanford, Chair; Reeves, Vice Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake, Dufault, Kirby, Kloba, Vick and Young.

**Staff:** Kyle Raymond (786-7190).

#### Background:

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*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.*

The Liquor and Cannabis Board (LCB) issues various types of commercial liquor licenses, including those for beer and/or wine specialty shops, wineries, microbreweries, domestic breweries, restaurants, and nightclubs.

#### Restaurant Liquor Licenses.

There are two licenses for the retail sale of liquor at restaurant and clubs, which include:

- the beer and/or wine restaurant license authorizing the sale of beer, strong beer, or wine for on premises consumption; and
- the spirits, beer, and wine restaurant license authorizing the sale of spirits, beer, and wine for on premises consumption, including mixed drinks and cocktails compounded or mixed on the premises.

A customer of a restaurant liquor licensee may remove any unused portion of wine from the restaurant premises if the wine is recapped or recorked, in its original container, and purchased for on-premises consumption.

#### Domestic Winery Liquor License.

The LCB issues a domestic winery license that authorizes in-state wine manufacturing. A domestic winery is authorized to distribute and sell the wine it produces for retail, and licensees must comply with applicable wine distribution and retail laws and rules.

Separate from a winery's production or manufacturing sites, a domestic winery may operate up to four additional locations from which the winery may serve samples of its own products, sell wine of its own production at retail, and sell wines of its own production in kegs or sanitary containers for off-premises consumption.

#### **Summary of Bill:**

A customer of a licensed domestic winery may remove any unused portion of wine from the premises of the winery or tasting room if the wine is recapped or recorked, in its original container, and purchased for on-premises consumption.

The authorization for restaurant liquor licensees to allow a customer to remove recapped or recorked wine from the premises applies to sake. Any unused portion of sake must be recapped or recorked in its original container to be removed from the restaurant licensee's premises.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

#### **Staff Summary of Public Testimony:**

(In support) This bill is simple and straightforward. Both consumers and wineries are confused about current law. Most consumers do not realize this is an issue because they are

allowed to remove bottles of wine from restaurants. Winery customers often request that unused portions of wine be recorked, so they can take it home with them. This bill would create clarity and certainty for the Liquor and Cannabis Board.

This bill helps substance abuse prevention through removing the incentive people have to finish a bottle of wine before they get back on the road. It would be better for public safety if domestic winery customers sampled the wine and took the bottle home with them. This bill may result in an open container violation, and the customer should have that information. There could also be a seal placed over the cork.

(Opposed) None.

**Persons Testifying:** Representative Steele, prime sponsor; Seth Dawson, Washington Association for Substance Abuse and Violence Prevention; James McMahan, Washington Association of Sheriffs and Police Chiefs; Chris Thompson, Liquor and Cannabis Board; and Josh McDonald, Washington Wine Institute.

**Persons Signed In To Testify But Not Testifying:** None.