

# HOUSE BILL REPORT

## SSB 5776

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*As Passed House  
April 18, 1991*

**Title:** An act relating to alcoholic beverage control.

**Brief Description:** Regulating alcoholic beverages.

**Sponsor(s):** Senate Committee on Commerce & Labor (originally sponsored by Senator McMullen).

**Brief History:**

Reported by House Committee on:  
Commerce & Labor, April 5, 1991, DPA;  
Passed House, April 18, 1991, 95-3.

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**HOUSE COMMITTEE ON  
COMMERCE & LABOR**

**Majority Report:** *Do pass as amended.* Signed by 10 members: Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Wilson.

**Staff:** Jim Kelley (786-7166).

**Background:** It is unlawful to sell liquor without a license or permit from the Liquor Control Board. "Sell" is defined broadly to include supplying or distributing liquor by any means whatsoever. Therefore, it is technically unlawful for an individual to give liquor as a gift to another individual.

Under state law, wine that contains less than 14 percent alcohol by volume is called table wine. Fortified or dessert wine is defined as any beverage fortified with wine spirits, such as port, sherry, muscatel and angelica, containing equal to or more than 14 but not greater than 24 percent alcohol by volume.

Under federal law, table wine is any wine containing no more than 14 percent alcohol by volume. Fortified or dessert wine is any beverage fortified with wine spirits containing more than 14 but not greater than 24 percent alcohol by volume.

Domestic wineries that have shipped wine to out-of-state wholesalers may not have their unsold wine returned for possible sale within the state.

Under the current policy of the board, domestic wineries desiring to make "sparkling wines" are allowed to ship wine out of the state to complete the process of making "sparkling wine." The wine may then be shipped back to be sold by the domestic winery. A domestic winery is not required to obtain a separate license for the purpose of conducting such activity.

**Summary of Bill:** An individual not licensed by the Liquor Control Board may give liquor to another individual, also not licensed by the board, for personal use only.

Table wine and fortified wine are defined consistently with federal law. Table wine is defined as any beverage containing no more than 14 percent of alcohol by volume. Fortified wine is defined as any wine containing more than 14 but not greater than 24 percent alcohol by volume.

Domestic wineries that have shipped wine to out-of-state wholesalers are allowed to have their unsold wine returned for possible sale within the state.

The board's current policy allowing domestic wineries to ship wine out-of-state for the purpose of making "sparkling wine" is codified.

A bona fide charitable or nonprofit organization may offer unopened bottles of liquor as prizes at raffles.

**Fiscal Note:** Requested April 5, 1991.

**Effective Date:** Sections 1 through 22 take effect January 1, 1992.

**Testimony For:** (Substitute Senate Bill): This bill adequately addresses many problems in the liquor code that have caused problems for some time. The board has no problem with this bill.

**Testimony Against:** (Substitute Senate Bill): None.

**Witnesses:** Carter Mitchell, Liquor Control Board (in favor); and Victoria Chiechi, Washington Wine Institute (in favor).