

# HOUSE BILL REPORT

## ESHB 1047

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### As Passed Legislature

**Title:** An act relating to alcohol content in food products and confections.

**Brief Description:** Concerning alcohol content in food products and confections.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives Williams and Blake).

**Brief History:**

**Committee Activity:**

Commerce & Labor: 1/26/07, 2/22/07 [DPS].

**Floor Activity:**

Passed House: 3/6/07, 97-0.

Passed Senate: 4/12/07, 47-0.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- Allows grocery stores licensed by the Liquor Control Board that have a snack bar license to sell confections with up to 10 percent alcohol to persons 21 or older.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse, Green, Moeller and Williams.

**Staff:** Joan Elgee (786-7106) and Anne Woodward (786-7119).

**Background:**

Confections and food products containing not more than 1 percent alcohol by weight are unregulated and may be sold and manufactured without a license from the Liquor Control Board (Board). The product must have a label stating "This product contains liquor and the alcohol content is 1 percent or less of the weight of the product." The sale of food products

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and confections with more than 1 percent alcohol, such as liqueur-filled chocolates, is not allowed by retailers. The Board, however, sells a small number of confections with an alcohol content up to 12 percent in some state liquor stores.

Confections that contain more than 1 percent alcohol by weight are considered to be adulterated food.

The Board issues a number of types of liquor licenses. A grocery store license allows the sale of beer and/or wine for consumption off the premises. A snack bar license allows the sale of beer for on-premises consumption in places where food is available.

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**Summary of Engrossed Substitute Bill:**

A grocery store licensed by the Liquor Control Board (Board) with a snack bar license may receive an endorsement from the Board to sell confections containing more than 1 percent but not more than 10 percent alcohol by weight to persons 21 or older. "Confection" is defined as a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

The adulterated food provisions are modified to exclude confections sold under the endorsement.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) A constituent confectioner would like to be able to sell candy with alcohol so long as it's to those 21 or over. There needs to be a sensitivity to some of the concerns this raises and I'm amenable to changes.

We have not been able to sell these candies and we have many people asking for them. We have to send them to Fort Lewis. We would like to raise the alcohol content. These are mainly ethnic candies -- Germany, Scandinavia, Sweden -- enjoyed at holiday time. It's also hurting the state for tax money. Business owners didn't know it was against the law; no one told us when we got our liquor license. When we did sell them it was behind the counter. We would go by guidelines to sell to 21 or over. You would get sick before you got intoxicated.

(With concerns) We aren't concerned about chocolates but we are concerned about creating an exception that deregulates all food products with 10 percent alcohol. That's a lot of alcohol to not regulate. We could look at a lower percentage or maybe a permit. We are also concerned

about food being part of the definition and where that would lead. We would like to work with the sponsor.

(Opposed) None.

**Persons Testifying:** (In support) Representative Williams, prime sponsor; Peggy Scott, Oskar's German Deli; and Dario Cardenas, Hess Bakery and Deli.

(With concerns) Rick Garza, Liquor Control Board.

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