

# HOUSE BILL REPORT

## HB 1124

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### As Reported by House Committee On: Commerce & Gaming

**Title:** An act relating to permitting the sampling of beer and wine at locations licensed to serve beer and wine for on-premises consumption.

**Brief Description:** Permitting the sampling of beer and wine at locations licensed to serve beer and wine for on-premises consumption.

**Sponsors:** Representatives Takko, Morris, Springer and Fey.

#### **Brief History:**

##### **Committee Activity:**

Commerce & Gaming: 1/20/15, 2/16/15 [DP].

#### **Brief Summary of Bill**

- Allows licensees permitted to sell beer or wine for on-premises consumption to also serve samples of beer and wine up to a total of 6 ounces per day.

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### HOUSE COMMITTEE ON COMMERCE & GAMING

**Majority Report:** Do pass. Signed by 9 members: Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake, Kirby, Moscoso, Scott and Vick.

**Staff:** David Rubenstein (786-7153).

#### **Background:**

No person may sell or distribute beer or wine without a license from the Liquor Control Board (Board), and licenses are divided into two categories: those for on-premises consumption and off-premises consumption. The Board issues many types of liquor license permitting the service of beer and wine for on-premises consumption, including beer and/or wine restaurants, taverns, night clubs, and breweries and microbreweries.

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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.*

In general, no person, even a licensee, may serve any alcoholic beverage free of charge. There are several exceptions in the code, including farmers markets, wineries, grocery stores, etc., in which the licensee is specifically authorized to serve samples, but not all licensees have such an exception. Licensees permitted to serve samples are limited to serving samples no larger than 2 ounces, up to a total of 2 to 4 ounces per day, depending on the license. Some licenses do not have a limit.

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**Summary of Bill:**

This bill permits any licensee authorized to serve wine or beer on tap for on-premises consumption to serve samples of beer and wine free of charge. Samples must be 2 ounces or smaller, and licensees may provide a maximum of 6 ounces of samples per customer per day.

Licensed domestic wineries, grocery stores, beer and wine specialty shops, and qualifying farmers markets that are already permitted sampling and tasting are exempt.

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**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 codifies what is already a common practice in bars and restaurants, which many people do not realize is illegal. In essence, this is a technical cleanup, since the law requires the seller to charge at least the cost of acquisition, but licensees sometimes work around that, and the practice is rarely enforced against.

(In support with amendment(s)) The numbers may need some adjustment, possibly to 4 ounces total for wine instead of 6, which is a full glass of wine. Four ounces is the limit used in grocery stores.

(Opposed) Taken individually, this bill is not so bad. However, it is important to take this bill in context with many other laws and bills liberalizing the liquor laws. Washington is the least regulated state in the nation for alcohol, and it continues to expand into more parts of public life. The interests of youth are not as well represented in Olympia as industry interests. Taken in their totality, this bill and the others before you are bad for youth, who are increasingly exposed to alcohol as a normalized part of everyday life. It would be better to roll these bills into a single omnibus so that legislators could more easily see their cumulative effect.

**Persons Testifying:** (In support) Representative Takko, prime sponsor; Julia Gorton, Washington Restaurant Association; and Justin Nordhorn, Washington State Liquor Control Board, Enforcement and Education Division.

(In support with amendment(s)) Rowland Thompson, Wine Institute.

(Opposed) Seth Dawson, Washington Association for Substance Abuse and Violence Prevention.

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