

SENATE BILL REPORT

ESSB 5368

As Passed Senate, March 11, 2025

Title: An act relating to studying taxes and fees related to alcohol.

Brief Description: Studying taxes and fees related to alcohol.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senator Chapman).

Brief History:

Committee Activity: Labor & Commerce: 2/10/25, 2/14/25 [DPS-WM].

Ways & Means: 2/25/25, 2/27/25 [w/oRec, DNP].

Floor Activity: Passed Senate: 3/11/25, 44-5.

Brief Summary of Engrossed First Substitute Bill

- Requires the Washington State Institute for Public Policy to conduct a study regarding alcohol taxation and fees.
- Requires the Department of Revenue and Liquor and Cannabis Board to provide data for the study.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5368 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Saldaña, Chair; Conway, Vice Chair; King, Ranking Member; Alvarado, MacEwen, Ramos, Schoesler and Stanford.

Staff: Marlon Llanes (786-7423)

SENATE COMMITTEE ON WAYS & MEANS

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

Majority Report: That it be referred without recommendation.

Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Trudeau, Vice Chair, Capital; Frame, Vice Chair, Finance; Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Boehnke, Braun, Cleveland, Conway, Dhingra, Hansen, Kauffman, Muzzall, Pedersen, Riccelli, Saldaña, Wagoner, Warnick, Wellman and Wilson, C..

Minority Report: Do not pass.

Signed by Senator Hasegawa.

Staff: Tianyi Lan (786-7432)

Background: State law regulates the manufacture, distribution, and retail sale of liquor including spirits, wine, and beer. The Liquor and Cannabis Board (LCB) issues various types of liquor licenses, including retail licenses for taverns and hotels. The Department of Revenue (DOR) collects taxes on the sale of liquor in the state.

The tax rates on the sale of liquor may vary depending on the type of liquor, sales price, sales volume, and alcohol content of the product. For example, the sale of spirits is taxed at a different rate than the sale of wine, and the sales and liter taxes for spirits are based on sales price and volume, respectively. The rates for sales and liter taxes on spirits also vary depending on whether the purchaser is a member of the general public or an on-premises retailer such as a bar.

Summary of Engrossed First Substitute Bill: The Washington State Institute for Public Policy (WSIPP) must conduct a study regarding alcohol taxation and fees in Washington and other states where the tax or fee is based on the sales price, sales volume, or alcohol content of the product. WSIPP must produce and submit a final report to the relevant committees of the Legislature by June 30, 2026 that includes the following information:

- the specific types of state taxes and fees applicable to spirits, beer, and wine, by product category, and including general taxes such as sales and business and occupation taxes;
- current and historical tax and fee rates by tax or fee type;
- annual sales in Washington State of spirits, wine, and beer in total and per capita over the past five years;
- annual spirits, wine, and beer tax and fee revenues generated in the state over the past five years in total and by tax or fee type;
- annual spirits, wine, and beer tax and fee revenues per capita generated in the state over the past five years in total and by tax or fee type;
- to the extent practicable, the following:
 1. an analysis of total and per capita spirits sales and related tax and fee revenues in other states, differentiated by whether the sale of off-premises spirits is controlled by the state or allowed by licensed private entities;

2. an analysis of total and per capita spirits sales and related tax and fee revenues in other states and counties differentiated by whether spirits taxation is based on volume, price, or alcohol content;
3. an analysis of total and per capita spirits, beer, and wine sales and tax and fee revenues in this state and other states by each applicable unit of measurement of alcohol content and volume, differentiated by product category.
4. specified annual data ranging from 2008 to 2020;
5. estimated costs to transition to a tax system in the state where tax rates are determined solely by the alcohol content of products, the estimated annual costs to administer this system, and the estimated tax revenue of this system;
6. estimated tax rates for spirits, beer, and wine that would have to be applied to maintain a revenue neutral tax system in the state if tax rates were based solely on the alcohol content of products; and
7. an analysis of the economic impact of the state's breweries, wineries, and distilleries, and potential changes to the economic impact if tax rates were based solely on the alcohol content of products.

LCB and DOR must cooperate with WSIPP to provide data relevant to this study.

An expiration date of July 1, 2026, is provided.

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 on Original Bill (Labor & Commerce): *The committee recommended a different version of the bill than what was heard.* **PRO:** The alcohol market has changed dramatically in the last decade, but the tax system has not. There are new products on the market, such as low proof spirits-based cocktails. Spirits continue to be taxed at a much higher rate than beer. Businesses under a certain square footage are not allowed to sell spirits-based cocktails. The Legislature should consider if taxes should be based on ingredients or the amount of alcohol in the product. The study is needed for the Legislature to make informed decisions about the tax system for alcohol in Washington.

CON: There is no need to change the tax structure. Alcohol is taxed differently for beer, wine, and spirits, and this structure is used in almost every state. There are no competitive advantages or disadvantages in the current system. The Legislature should consider the cost and administrative challenges of changing the system.

OTHER: The Department of Revenue does not have the amount of data required in the bill and may not be the proper entity to handle this study. Wine is also being taxed at a high rate. The Legislature should consider how changes in taxation impact small business viability and how to support the wine industry.

Persons Testifying (Labor & Commerce): PRO: Charlie Brown, Diageo; John Gainza, Southern Glazers Wine and Spirits; Lisa Cole, Southern Glazers Wine and Spirits; Vicki Christophersen, Association of Washington Spirits and Wine Distributors; Carrie Tellefson, Republic National Distributing Company (RNDC); Katie Beeson, Washington Food Industry Association (WFIA).

CON: Scott Hazlegrove, WA Beer & Wine Distributors Association.

OTHER: Steve Ewing, Dept. of Revenue; Josh McDonald, Washington Wine Institute; Daniel Olson, Washington Brewers Guild.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: Taxes on alcohol vary greatly here in Washington State. The alcohol market has changed and shifted as customer preferences have changed as so many new products have come online in the last several years. Given the evolving marketplace and the absence of current deliberate policy on alcohol taxation, the state should reassess and modernize its alcohol tax strategy to maximize the revenue to the state. It's time for the Legislature to get more information on the market and the different types of products and potentially look at taxation based on the amount of alcohol rather than the ingredients.

CON: The bill is not just a study. It lays the groundwork for liquor companies to push for massive tax rate changes to higher tax rates for small independent breweries who are still recovering from the COVID shutdowns. Washington's alcohol tax rates are nationally competitive. There is no need to spend taxpayer money on a study designed to favor out-of-state corporations over local businesses. The bill does not mention the cost to transition the system to a new system based on taxation by volume and does not evaluate the economic impacts of the transition.

Persons Testifying (Ways & Means): PRO: Vicki Christophersen, Assoc. of WA Spirits and Wine Distributors; Katie Beeson, Washington Food Industry Association; Charlie Brown, Diageo; Lisa Cole, Southern Glazers Wine and Spirits.

CON: Josh McDonald, Washington Wine Institute; Daniel Olson, Washington Brewers Guild; Scott Hazlegrove, WA Beer & Wine Distributors Association.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.