

# SENATE BILL REPORT

## ESB 5751

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As Amended by House, March 7, 2008

**Title:** An act relating to wine and beer tasting.

**Brief Description:** Creating a wine and beer tasting pilot project in grocery stores.

**Sponsors:** Senators Kohl-Welles, Hewitt and Rockefeller.

**Brief History:**

**Committee Activity:** Labor, Commerce, Research & Development: 2/22/07, 2/27/07 [DP, w/oRec].

Passed Senate: 2/12/08, 32-15.

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Hewitt, Holmquist, Murray and Prentice.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Clements, Ranking Minority Member.

**Staff:** Mac Nicholson (786-7445)

**Background:** Generally, beer and wine tasting is permitted only on licensed premises, although there are some exceptions. Beer and wine tasting is not currently allowed at grocery stores.

**Summary of Engrossed Bill:** The Liquor Control Board (LCB) is to establish a pilot project to allow beer and wine tasting in grocery stores. The pilot project period is from October 1, 2007, to September 30, 2008. As part of the pilot, 30 locations may hold six tastings but no grocery store licensee can hold more than one tasting per month.

The locations for the pilot are to be chosen by the LCB and must be equally allocated between independently owned and national chain grocery stores.

To participate in the project, licensees must meet the following criteria: (1) their primary activity is the retail sale of grocery products for off-premises consumption; and (2) they operate a fully enclosed retail area encompassing at least 9,000 square feet.

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Each tasting sample must be two ounces or less, up to a total of four ounces, per customer. No more than one sample of any single brand and type of beer or wine may be provided to a customer during any one visit to the store, and food must be available for tasting customers.

The area in which the tasting will occur, and the facilities in general, must be located within a fully enclosed retail area and must be of a size or design that the licensee can observe and control people in the area to ensure that no one under 21 or obviously intoxicated persons are served.

The licensee may only advertise the tasting within the store.

The LCB must report to the Legislature on the pilot project by December 1, 2008.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Questions customers have about wine are directed to grocers and having a sampling is a good way to see what wines customers like. Oregon has had this program since 1995 and it has been very successful and they have had virtually no problems with it. This program allows customers to taste the various products before purchasing them.

CON: The more adolescents see that a community supports alcohol use, the more likely they will be to use it. Seeing wine and beer tasting in grocery stores while out shopping for the family will send the wrong message to adolescents.

OTHER: Will restrict these tastings very tightly because the LCB wants to ensure there is compliance.

**Persons Testifying:** PRO: Arlen Harris, Washington Brewer's Guild; Mark Johnson, Washington Retail Association; Carrie Tellefson, Washington Food Industry, Inc.; Bob Broderick, NW Grocers; Jean Leonard, Washington Wine Institute.

CON: Seth Dawson, Washington Association for Preventing Substance Abuse; Julie Peterson, Abuse and Violence Prevention.

OTHER: Rick Garza, LCB.

**House Amendment(s):** The LCB may prohibit tasting at a pilot project location that is within the boundaries of a LCB-recognized alcohol impact area if the tasting activities at the location are having an adverse effect on the reduction of chronic public inebriation in the area.

Licensees must be able to observe and control persons to ensure that "apparently" intoxicated persons, rather than "obviously" intoxicated persons, cannot possess or consume alcohol. ("Apparently" is used in penalty provisions.)