
Commerce & Labor Committee

HB 1047

Brief Description: Modifying provisions affecting alcohol content in food products and confections.

Sponsors: Representatives Williams and Blake.

Brief Summary of Bill

- Raises the permitted alcohol content for food products and confections that may be sold without a liquor license from 1 percent to 10 percent by weight.
- Requires food products and confections with over 1 percent alcohol by weight to be sold only to persons 21 and over and be so labeled.

Hearing Date: 1/26/07

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

Background:

Confections and food products containing liquor may be sold and manufactured without a liquor license from the Liquor Control Board (LCB), provided that the products:

- do not contain more than 1 percent alcohol by weight; and
- contain a label stating: "This product contains liquor and the alcohol content is one percent or less of the weight of the product."

Manufacturers of confections or food products must obtain a special permit from the LCB in order to import or purchase alcohol to be used in making the product.

Confections and food products with an alcohol content of 1 percent or less are exempt from the statutory definition of liquor, and are therefore not subject to the LCB regulations. Similarly, confections that do not exceed 1 percent alcohol content are not included in the statutory definition of adulterated foods.

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.

Laws regulating confections and food products with alcohol sold by entities without a liquor license vary by state. These laws range from complete bans on any confections with alcohol to a law in one state that permits the sale of confections that contain up to 10 percent alcohol. Some states also require manufacturers to label any confections that contain alcohol, and some prohibit the selling of confections with alcohol to persons under 21.

Summary of Bill:

The percentage of alcohol that confections and food products may contain in order to be sold and manufactured without a license from the Liquor Control Board (LCB) is increased from 1 to 10 percent. Confections and food products with an alcohol content of 10 percent or less may be sold and manufactured without a license, provided that they meet certain requirements.

Specifically, confections or food products with an alcohol content of more than 1 percent but less than or equal to 10 percent must:

- contain a label stating: "This product contains liquor and the sale to persons under twenty-one years of age is unlawful;" and
- be sold only to persons 21 and over.

Confections or food products with an alcohol content of 1 percent or less continue to require a label stating: "This product contains liquor and the alcohol content is one percent or less of the weight of the product."

The statutory definition of liquor is changed to exempt confections or food products with an alcohol content of 10 percent or less by weight. Similarly, confectionery products with alcohol are not considered adulterated unless they have an alcohol content that exceeds 10 percent.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Not requested.

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