

# SENATE BILL REPORT

## ESHB 1047

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As Reported By Senate Committee On:  
Labor, Commerce, Research & Development, March 20, 2007

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

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

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

**Brief History:** Passed House: 3/06/07, 97-0.

**Committee Activity:** Labor, Commerce, Research & Development: 3/19/07, 3/20/07 [DP].

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

**Majority Report:** Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin, Hewitt, Holmquist and Murray.

**Staff:** Jennifer Strus (786-7316)

**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 (LCB). 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 and confections with more than 1 percent alcohol, such as liqueur-filled chocolates, is not allowed by retailers. The LCB, 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 LCB 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.

**Summary of Engrossed Substitute Bill:** A grocery store licensed by the LCB with a snack bar license may receive an endorsement from the LCB 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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*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.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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/OTHER: There are a number of candies made in Europe that contain a fairly high alcohol content. They are usually sold during the holidays. It is a violation of current law to sell these candies. This bill would allow stores with a beer and/or wine liquor license or a snack bar license to sell these candies to a person over 21. The bill would apply mostly to delis not to large chain grocery stores. Some of these delis have been selling these candies not knowing that it was illegal to do so. They have not experienced a problem selling these candies; they are very expensive so most minors would not be interested in trying to purchase them.

**Persons Testifying:** PRO: Brendan Williams, prime sponsor; Peggy Scott, Oskars German & European Deli; Dario Cardenas, Hess Bakery & Deli.

OTHER: Rick Garza, LCB.