

# SENATE BILL REPORT

## ESSB 5045

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As Amended by House, March 6, 2014

**Title:** An act relating to the creation of a permit to allow day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises.

**Brief Description:** Creating a permit to allow day spas to offer or supply without charge wine or beer by the individual glass to a customer for consumption on the premises.

**Sponsors:** Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Honeyford, Kohl-Welles and Frockt).

**Brief History:**

**Committee Activity:** Commerce & Labor: 2/11/13, 2/18/13 [DPS, DNP].

Passed Senate: 3/08/13, 42-7; 2/10/14, 40-8.

Passed House: 4/15/13, 82-13; 3/06/14, 78-19.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass.

Signed by Senators Braun, Vice Chair; Conway, Ranking Member; Hasegawa, Hewitt, Keiser and King.

**Minority Report:** Do not pass.

Signed by Senator Holmquist Newbry, Chair.

**Staff:** Edith Rice (786-7444)

**Background:** An entity serving alcohol for on-premises consumption must obtain the appropriate license to do so from the Liquor Control Board (LCB). There are specific exemptions allowing an entity to serve alcohol without charge and without a license or permit from LCB. Currently, wedding boutiques and art galleries may offer a complimentary glass of beer or wine to customers who are at least 21 years of age for on-premises consumption. The wine or beer served must have been purchased from a licensed retailer or a Washington State liquor store at full retail price. The wedding boutiques and art galleries cannot sell beer or wine and cannot advertise that they offer complimentary beer or wine. Employees who serve the beer or wine must complete an LCB-approved limited alcohol server training program. Art galleries are rooms or buildings devoted to the exhibition or sale

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of art. Wedding boutiques are businesses primarily engaged in the sale of wedding merchandise.

**Summary of Engrossed Substitute Bill:** A day spa permit is created which permits a day spa to serve a glass of beer or wine to a customer without charge. The permit fee for a day spa permit is \$125 per year.

Day spas are permitted to offer a complimentary glass of beer or wine to customers who are at least 21 years of age. A day spa is defined as a business that offers at least three of the following types of beauty services: hair care, nail care, skin care, massages, and the use of body toning equipment.

Servers must have training provided by LCB. A day spa must provide separate service areas of the day spa for at least three of the service categories offered.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

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

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

**Staff Summary of Public Testimony on Original Bill:** CON: We are concerned that people will be drinking and leaving the spa. This is a public safety issue.

OTHER: We would like to see a permit issued only.

**Persons Testifying:** CON: Mary Ellen de la Pena, WA Assn. of Substance Abuse and Violence Prevention.

OTHER: Karen McCall, LCB.

**House Amendment(s):** A null and void clause is added to the bill. The bill is null and void unless funded in the budget.