

# HOUSE BILL REPORT

## SSB 6035

---

**As Reported by House Committee On:**  
Commerce & Gaming

**Title:** An act relating to instruction for liquor license employees.

**Brief Description:** Concerning liquor license employees.

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, King, Conway and Stanford).

**Brief History:**

**Committee Activity:**

Commerce & Gaming: 2/24/20, 2/25/20 [DP].

**Brief Summary of Substitute Bill**

- Provides that when liquor licensees furnish beer, wine, or spirits to employees or other licensees without charge for instructional purposes, participating employees are considered to be on duty for purposes of compensation.
- Prohibits sampling of products by licensees or employees for instructional purposes in areas where the public is served or when the employee is serving the public.
- Prohibits sampling of products by licensees or employees for instructional purposes if the licensee or employee is or becomes apparently intoxicated.

---

### HOUSE COMMITTEE ON COMMERCE & GAMING

**Majority Report:** Do pass. Signed by 10 members: Representatives Peterson, Chair; MacEwen, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Blake, Jenkin, Kirby, Morgan, Ramel, Vick and Young.

**Staff:** Peter Clodfelter (786-7127).

**Background:**

---

*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.*

Several liquor licenses issued by the Liquor and Cannabis Board authorize the licensee or its manager to furnish liquor to the licensee's employees, without charge, for instructional purposes. The instruction may include the history, nature, values, and characteristics of the beer, wine, or spirits, the use of wine lists, and the methods of presenting, serving, storing, and handling liquor. The licensee must use liquor it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the liquor licensee's establishment.

The following retail liquor licenses include this authorization for sampling of liquor in the context of instructing the licensee's employees: (1) beer and wine restaurant license; (2) spirits, beer, and wine restaurant license; (3) tavern license; and (4) hotel license.

Additionally, certain manufacturers and distributors of beer, wine, or spirits have similar authorization to, without charge, instruct liquor licensees and liquor licensees' employees or to conduct courses of instruction for licensees and their employees, including chefs, on the subject of beer, wine, or spirits. This instruction may include but is not limited to the history, nature, values, and characteristics of beer, wine, or spirits, the use of wine lists, the methods of presenting, serving, storing, and handling beer, wine, and spirits, and what wines go well with different types of food.

The following manufacturer or distributor liquor licenses include this authorization for sampling of liquor in the context of instructing liquor licensees and their employees: (1) domestic brewery license; (2) microbrewery license; (3) domestic winery license; (4) distillery license; (5) distributor license; and (6) certificate of approval. The licensee or its licensed agent may furnish beer, wine, or spirits and other equipment, materials, and utensils for use in connection with the instruction or courses. Also, the instruction or course may be given at the premises of the brewery, winery, distillery, or authorized representative holding a certificate of approval, at the premises of a retail licensee, or elsewhere within Washington.

---

### **Summary of Bill:**

It is provided that when liquor licensees or their managers furnish beer, wine, or spirits to employees or other licensees without charge for instructional purposes, as authorized under the terms of their license, the participating employees are considered to be on duty for the purposes of compensation. Also, licensees and their employees may not sample products in areas where the public is served and may not be engaged in serving alcohol to the public at the same time. Sampling may not occur if the licensee or employee is, or becomes, apparently intoxicated.

These additional provisions and restrictions related to sampling of liquor in the context of instructing employees and liquor licensees are added to the following liquor licenses: (1) beer and wine restaurant license; (2) spirits, beer, and wine restaurant license; (3) tavern license; (4) hotel license; (5) domestic brewery license; (6) microbrewery licenses; (7) domestic winery license; (8) distillery license; (9) distributor license; and (10) certificate of approval.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This bill resolves a conflict between a rule of the Department of Labor and Industries (L&I) and a rule of the Liquor and Cannabis Board (LCB). Currently, it is illegal according to the L&I's rules for an employee to consume alcohol while on the job. However, this rule does not account for the existing authorization for servers at restaurants to sample beer, wine, and spirits as a part of their training in order to better understand which beer, wine, and spirits products go well with different types of foods. A case arose where the L&I issued a citation to a restaurant related to the restaurant's employees sampling alcohol through the LCB's authorization. This bill is a rational fix to the inconsistency in the law that led to that citation. The hospitality industry supports the bill.

(Opposed) None.

**Persons Testifying:** Senator Keiser, prime sponsor; and Katie Doyle, Washington Hospitality Association.

**Persons Signed In To Testify But Not Testifying:** None.