

# HOUSE BILL REPORT

## HB 1289

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### As Amended by the Senate

**Title:** An act relating to winery workforce development.

**Brief Description:** Concerning winery workforce development.

**Sponsors:** Representatives Chambers, Kloba, Robertson, Johnson, J., Sutherland, Fitzgibbon, Chandler, Jacobsen, Ybarra, Rude, Boehnke, Barkis and Klicker.

### Brief History:

#### Committee Activity:

Commerce & Gaming: 1/26/21, 1/29/21 [DP].

#### Floor Activity:

Passed House: 3/8/21, 91-6.

Senate Amended.

Passed Senate: 4/3/21, 45-1.

### Brief Summary of Bill

- Permits 18- to 21-year-old domestic winery employees to engage in wine production and work in a winery's production facility, so long as there is an adult age 21 years of age or older on duty supervising.

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## HOUSE COMMITTEE ON COMMERCE & GAMING

**Majority Report:** Do pass. Signed by 9 members: Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers, Kirby, Morgan, Vick and Wylie.

**Staff:** Kyle Raymond (786-7190).

### Background:

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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 part of the legislation nor does it constitute a statement of legislative intent.*

Domestic winery licensees and non-retail class licensees are permitted, under certain specified circumstances, to allow an employee or intern between the ages of 18 and 21 years old to handle, transport, or otherwise possess liquor.

For example, a domestic winery licensee may allow interns between the ages of 18 and 21 years old to engage in wine production-related work at the domestic winery's licensed location, so long as the intern is enrolled as a student at a community or technical college, regional university, or state university that holds a special permit for this purpose issued by the Liquor and Cannabis Board (LCB). In addition, the student must be enrolled in a required or elective class as part of a culinary, sommelier, wine business, enology, viticulture, wine technology, beer technology, or spirituous technology-related degree program.

A domestic winery or non-retail class liquor licensee is solely responsible for any act or omission of their employee occurring at or on the licensee's premises that violates liquor laws.

**Summary of Bill:**

A domestic winery employee who is between the ages of 18 and 21 years old may engage in wine production and work in a winery's production facility, so long as there is an adult age 21 years of age or older on duty supervising such activities on the premises.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment specifies that the authorization for domestic winery employees who are at least age 18, but under age 21, to engage in wine production and work may not be interpreted to authorize such an employee to taste or consume liquor.

**Appropriation:** None.

**Fiscal Note:** Available.

**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 originated from a student who participated in a wine making internship. After graduating, despite having relevant experience and a wine making degree, the student was unable to work full time in the wine industry because they were 20 years old. This bill would be a simple, common sense fix that would address this problem.

The Washington wine industry is experiencing a severe labor shortage. It is important for

graduates to be able to pursue employment at the time of graduation. If this bill does not pass, due to an LCB interpretation, numerous students currently enrolled in wine-related degree programs will be unable to find employment despite being qualified. This also interrupts the pipeline of students who find employment as young harvest laborers in the wine industry. Harvest laborers who are interested in the industry then go on to become assistant winemakers and winemakers. These jobs are real, living-wage jobs. Taking away this pipeline deprives people of numerous earning years in the wine industry. This bill will help produce skilled industry laborers with a focus on high quality wine growing. Also, despite that more work is needed to be done, the wine industry is a leader in terms of minimizing the gender pay gap.

Workforce development is essential to the wine industry, and this bill would provide more opportunities for real life, hands on experience in a winery. This bill supports youth, the educational system, and economic development, particularly in rural areas. In addition, this bill would also help students who want to try out the wine industry by, for example, working in a winery over the summer while in school.

This bill includes a strong safety component, as 21-year-old employees must be present and on duty to supervise the work.

(Opposed) None.

(Other) Breweries and distilleries should also be allowed to employ individuals under the age of 21. Distilleries are able to hire outside contractors that are under 21 years old, but they are not currently allowed to employ anyone under the age of 21. Not allowing distilleries to directly employ individuals under the age of 21 means they cannot be brought into the system sooner, and these individuals do not receive employee benefits such as stock options, health benefits, and paid vacation and sick leave. Broadening the ability for distilleries to employ individuals under the age of 21 will help with workforce training as a large group of employees are currently getting ready to retire.

The Legislature is already investing in a craft brewery and distilling education, but those taking classes who are under the age of 21 are not able to be employed in these industries.

Distilleries do have the ability to isolate people under the age of 21 so that they are not involved in the consumption of liquor.

**Persons Testifying:** (In support) Representative Chambers, prime sponsor; Kai Itämeri, Garrison Creek Cellars; Josh McDonald, Washington Wine Institute; and Tim Donahue, Walla Walla Community College.

(Other) Justin Stiefel, Heritage Distilling Company.

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