

# SENATE BILL REPORT

## SB 5394

---

---

As of February 8, 2021

**Title:** An act relating to the sale of liquor by licensed restaurants for off-premises consumption.

**Brief Description:** Allowing the sale of liquor by licensed restaurants for off-premises consumption.

**Sponsors:** Senators Braun, Rolfes, Brown, Dhingra, Frockt, King, Kuderer, Lovelett, Nguyen, Nobles, Randall, Wagoner, Warnick, Wilson, C. and Wilson, L..

**Brief History:**

**Committee Activity:** Labor, Commerce & Tribal Affairs: 2/08/21.

**Brief Summary of Bill**

- Authorizes spirits, beer, and wine restaurant licensees, beer and wine restaurant licensees, and tavern licensees to sell beer and wine for curbside service and delivery under specified conditions.
- Permits spirits, beer, and wine restaurant licensees to sell spirits and cocktails for curbside service and delivery under specified conditions.

---

### SENATE COMMITTEE ON LABOR, COMMERCE & TRIBAL AFFAIRS

**Staff:** Matt Shepard-Koningsor (786-7627)

**Background:** Definitions. Restaurant means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains. Tavern means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer.

Liquor Licenses. Businesses dealing with the importation, manufacture, distribution, or sale

---

*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.*

of alcohol in Washington must have a liquor license. The Liquor and Cannabis Board (LCB) issues liquor licenses in the state. There are liquor licenses for both retail and non-retail businesses. Liquor licenses for retail businesses include grocery stores, nightclubs, taverns, and restaurants. Certain liquor licenses exist and allow the following:

- a restaurant to sell beer and wine for on-premises consumption in conjunction with food sales, either on tap or in opened bottles or cans;
- a restaurant to sell spirits, beer, and wine by the individual glass for on-premises consumption under specific conditions; and
- a tavern to sell beer and wine for on-premises consumption, either on tap or in opened bottles or cans.

Endorsements. Endorsements are additions to a liquor license and change the normal circumstances under which alcohol may be sold and served. Each type of endorsement is subject to specific regulations and conditions. Certain endorsements exist and allow the following:

- a spirits, beer, and wine restaurant to sell wine by the unopened bottle for off-premises consumption;
- a spirits, beer, and wine restaurant to sell tap beer for off-premises consumption in kegs or other containers capable of holding four or more gallons; and
- a beer and wine restaurant or tavern to sell beer, wine, and cider for off-premises consumption in original containers.

**Summary of Bill:** Spirits, beer, and wine restaurant licensees may sell closed, manufacturer-sealed, bottles or cans of beer, wine, and spirits, when sold in combination with the sale of to-go food, or by delivery. All sales of liquor must be accompanied by food.

Spirits, beer, and wine restaurant licensees, beer and wine restaurant licensees, and tavern licensees may sell beer and wine for curbside service under the following conditions:

- beer must be in growlers, kegs, or factory-sealed bottles and cans; and
- wine must be in factory-sealed bottles.

Spirits, beer, and wine restaurant licensees, beer and wine restaurant licensees, and tavern licensees may also sell beer and wine for delivery under the following conditions:

- delivery of beer may include non-factory-sealed cider crowlers, jugs, or other similar, non-factory-sealed containers, or in factory-sealed bottles, cans, or kegs holding four or more gallons;
- delivery of malt liquor in kegs larger than four gallons is allowed if factory-sealed and other requirements are followed; and
- wine must be in factory-sealed bottles.

Spirits, beer, and wine restaurant licensees may also sell the following:

- spirits for curbside service or delivery in factory-sealed bottles;
- cocktails to-go, if the cocktail is accompanied by a complete meal, prepared on the

restaurant's premises; correctly packaged; delivered to the purchaser's trunk or beyond immediate reach; delivered by an appropriate employee, based on age and permit; and delivered to a purchaser verified to be at least 21-years old.

In addition to the requirements for to-go cocktails, the licensee must post a warning that puts consumers on notice of state open container laws.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: Takeout cocktails have been incredibly successful for businesses. I do not understand why cocktails have been treated different than growlers of beer and wine to-go. To-go cocktails allow for employees to display creativity in making drinks. We support this bill but are working with the prime sponsor on an amendment allowing wine to-go by the glass. Selling cocktails and spirits to-go has been the saving grace to the hospitality industry.

**Persons Testifying:** PRO: Senator John Braun, Prime Sponsor; Travis Rosenthal, Pike Street Hospitality Group; Katie Doyle, Washington Hospitality Association; Josh McDonald, Washington Wine Institute; Rowland Thompson, The Wine Institute.

**Persons Signed In To Testify But Not Testifying:** No one.