

2012 -- H 7686 SUBSTITUTE A

=====
LC00913/SUB A/2
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO ALCOHOLIC BEVERAGES - SAMPLE TASTINGS

Introduced By: Representatives Carnevale, Williams, Palumbo, Marcello, and DeSimone

Date Introduced: February 16, 2012

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-4.1 of the General Laws in Chapter 3-7 entitled "Retail
2 Licenses" is hereby amended to read as follows:

3 ~~3-7-4.1. Holders of retail Class A licenses permitted to conduct wine and beer~~
4 ~~samplings inside licensed premises~~ **Holders of retail Class A licenses permitted to conduct**
5 **wine, beer, malt beverage, liquor, cordial and alcoholic beverage samplings inside licensed**
6 **premises. -- Any holder of a Class A retail license shall be permitted to conduct at no charge to**
7 **the consumer, inside the premises of the licensee, sample tastings of wine (under 13% alcohol by**
8 **volume) and beer (under 5.5% alcohol by volume) available for purchase from the licensee's**
9 **outlet. These samples shall not exceed one ounce servings of each wine, the number of wines**
10 **being limited to no more than four (4) products at any one tasting and one ounce serving of each**
11 **beer with the number of beer samplings being limited to two (2) products at any one tasting.**
12 **Furthermore, wine and beer samplings may not be conducted simultaneously on the same Class A**
13 **licensed premise. Each consumer shall be limited to no more than one sample tasting of each**
14 **product.**

15 ~~It shall be required that the licensee provide, at no charge to the consumer, food~~
16 ~~samplings to be included with the tasting of all wine and beer. Those food samplings not~~
17 ~~consumed during the tasting shall not thereafter be offered for sale.~~

18 ~~The licensee shall control, without wholesaler or supplier participation, the dispensing of~~
19 ~~all samples to prospective customers. The licensee may not hold more than ten (10) tasting events~~

1 ~~in any thirty (30) day period. It shall be required that the licensee provide to the dispenser(s) of~~
2 ~~said wine and beer samples, training in the service of alcoholic beverages by a recognized~~
3 ~~training provider of alcoholic beverage service.~~

4 ~~Sampling events may not be promoted except on the licensed premises. It shall be~~
5 ~~unlawful for any wholesaler, manufacturer, supplier or any other person or entity to participate or~~
6 ~~provide anything or any service of value on account of or in conjunction with any such sampling.~~
7 ~~It shall be unlawful for any tasting or combination of tastings to exceed more than four (4) hours~~
8 ~~from start to finish and must be conducted during the normal hours of business.~~

9 (a) Any holder of a Class A retail license may provide, without charge, on-premises
10 sample tastings of wine and/or beer for prospective customers available for sale on such premises;
11 provided, however, that no single serving of wine shall exceed one ounce (1oz.) nor be in excess
12 of 13% alcohol by volume and no single serving of beer shall exceed one ounce (1oz.) nor be in
13 excess of 5.5% of alcohol by volume. A licensee who holds a license according to the provisions
14 of this section may also conduct on premises sample wine and/or beer tastings; provided, further,
15 that the holder of a license issued pursuant to the provisions of section 3-7-7 shall control the
16 dispensing of wine samples on the premises; and provided, further, that food shall be served in
17 conjunction with such wine tasting conducted on the premises of the holder of a license issued
18 pursuant to said section 3-7-7.

19 (b) Wholesalers and manufacturers licensed under chapter 3-6 may provide free wine
20 lawfully sold by such licensees to retail Class A licensees to conduct bona fide wine tastings,
21 solely to be dispensed at such tastings. Not more than nine (9) liters of wine of a wholesaler or
22 supplier may be furnished to or accepted by a retail Class A licensee authorized pursuant to this
23 section to conduct such tastings during any consecutive thirty (30) days. Transportation and
24 delivery of such products by the wholesaler or supplier license under chapter 3-6 shall be
25 accompanied by an invoice which states the amount of free beverages being delivered to the retail
26 Class A licensee and the date of the tasting. All such free beverages delivered, but not used
27 during the tasting, shall be removed from the premises of the licensee and returned to the
28 wholesaler or manufacturers who delivered it and shall be accompanied by an invoice which
29 states the amount of free beverages delivered but not used by the licensee during the tasting.
30 Persons handling, serving or dispensing any such beverages shall be under the authority and
31 supervision of the retail Class A licensee conducting the tasting for all liability purposes. All
32 persons handling, serving or dispensing any such beverages shall be trained and certified through
33 a registered alcohol server program.

34 A manufacturer under section 3-6-1 may provide to a wholesale licensee under chapter 3-

1 6 free wine lawfully sold by said wholesale licensee for the wholesale licensee to furnish to any
2 retail Class A licensee solely for use at a tasting if the wholesaler and manufacturer agree. For the
3 purposes of this paragraph, the word “manufacturer” shall mean a licensee or a holder of a license
4 under section 3-6-1.

5 (c) Wholesalers and manufacturers licensed under chapter 3-6 may provide alcoholic
6 beverages lawfully sold by such licensees to retail Class A licensees to conduct bona fide
7 alcoholic beverage tastings, solely to be dispensed at such tastings. Not more than one liter of
8 alcoholic beverages of a wholesaler or manufacturer may be furnished to or accepted by a retail
9 Class A licensee authorized pursuant to this section to conduct such tastings during any
10 consecutive thirty (30) days. Transportation and delivery of such products by the wholesaler or
11 manufacturer licensee shall be accompanied by an invoice which states the amount of free
12 alcoholic beverages being delivered to the retail Class A licensee and the date of the tasting. All
13 such free alcoholic beverages delivered, but not used during the tasting, shall be removed from
14 the premises of the licensee and returned to the wholesaler or manufacturer who delivered it and
15 shall be accompanied by an invoice which states the amount of free alcoholic beverages delivered
16 but not used by the licensee during the tasting. Persons handling, serving or dispensing any such
17 beverages shall be under the authority and supervision of the retail Class A licensee conducting
18 the tasting for all liability purposes. All persons handling, serving or dispensing any such
19 beverages shall be trained and certified through a registered alcohol server program.

20 A manufacturer may provide to a wholesale licensee free alcoholic beverages lawfully
21 sold by said wholesale licensee, for the wholesale licensee to furnish to any retail Class A
22 licensee solely for use at a tasting if the wholesaler and manufacturer agree. For the purposes of
23 this paragraph, the word “manufacturer” shall mean a licensee or a holder of a certificate of
24 compliance under said chapter 3-6.

25 SECTION 2. This act shall take effect upon passage.

=====
LC00913/SUB A/2
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO ALCOHOLIC BEVERAGES - SAMPLE TASTINGS

- 1 This act would expand the scope of allowable servings at the beer and wine tastings.
- 2 This act would take effect upon passage.

=====
LC00913/SUB A/2
=====