

2017 -- H 5625

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LC001464  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES -- TASTINGS

Introduced By: Representatives O'Brien, Marshall, Slater, Johnston, and McKiernan

Date Introduced: March 01, 2017

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, beer, and**  
4 **distilled spirit samplings inside licensed premises.**

5           ~~Any holder of a Class A retail license shall be permitted to conduct at no charge to the~~  
6 ~~consumer, inside the premises of the licensee, sample tastings of wine (under 13% alcohol by~~  
7 ~~volume), beer (under 5.5% alcohol by volume), and distilled spirits available for purchase from~~  
8 ~~the licensee's outlet. These samples shall not exceed one ounce servings of each wine, the number~~  
9 ~~of wines being limited to no more than four (4) products at any one tasting; and one ounce~~  
10 ~~servings of each beer, with the number of beer samplings being limited to two (2) products at any~~  
11 ~~one tasting; and one quarter ounce servings (1/4 oz) of each distilled spirit, the number of~~  
12 ~~distilled spirits being limited to no more than two (2) products at any one tasting. Furthermore,~~

13           (a) Wholesalers may provide free wine to Class A licensees to conduct bona fide wine  
14 tastings, solely to be dispensed at such tastings. Not more than nine (9) liters of wine from a  
15 wholesaler may be furnished to or accepted by a Class A licensee authorized pursuant to this  
16 section to conduct tastings during any consecutive thirty (30) days. Transportation and delivery of  
17 wine by the wholesaler shall be accompanied by an invoice which states the amount of free wine  
18 being delivered to the Class A licensee and the date of the tasting. All free wine delivered, but not  
19 used during the tasting, shall be removed from the premises of the Class A licensee by the

1 wholesaler who delivered it and shall be accompanied by an invoice which states the amount of  
2 free wine delivered but not used by the Class A licensee during the tasting. Wholesalers may  
3 participate at wine tasting events and may handle, serve or dispense wine, either directly or  
4 indirectly, through any agent, employee, stockholder, officer or other person or any subsidiary,  
5 but persons handling, serving or dispensing any such beverages shall be under the authority and  
6 supervision of the Class A licensee conducting the tasting for all liability purposes.

7 (b) Wholesalers may provide free malt beverages to Class A licensees to conduct bona  
8 fide malt beverages tastings, solely to be dispensed at such tastings. Not more than eighteen (18)  
9 liters of malt beverages of a supplier may be furnished to, or accepted by, a Class A licensee  
10 authorized pursuant to this section to conduct such tastings during any consecutive thirty (30)  
11 days. Transportation and delivery of such malt beverages by the wholesaler shall be accompanied  
12 by an invoice which states the amount of free malt beverages being delivered to the Class A  
13 licensee and the date of the tasting. All such free malt beverages delivered, but not used during  
14 the tasting, shall be removed from the premises of the Class A licensee by the wholesaler who  
15 delivered it and shall be accompanied by an invoice which states the amount of free malt  
16 beverages delivered but not used by the Class A licensee during the tasting. Wholesalers may  
17 participate at such malt beverages tasting events and may handle, serve or dispense malt  
18 beverages, either directly or indirectly, through any agent, employee, stockholder, officer or other  
19 person or any subsidiary, but persons handling, serving or dispensing any such beverages shall be  
20 under the authority and supervision of the Class A licensee conducting the tasting for all liability  
21 purposes.

22 (c) Wholesalers may provide free alcoholic beverages, other than wines and malt  
23 beverages, to Class A licensees to conduct bona fide tastings of alcoholic beverages, other than  
24 wines and malt beverages, solely to be dispensed at such tastings. Not more than two (2) liters of  
25 alcoholic beverages, other than wines and malt beverages, of a wholesaler may be furnished to, or  
26 accepted by, a Class A licensee authorized pursuant to this section to conduct such tastings during  
27 any consecutive thirty (30) days. Transportation and delivery of such alcoholic beverages, other  
28 than wines and malt beverages, by the wholesaler shall be accompanied by an invoice which  
29 states the amount of free alcoholic beverages, other than wines and malt beverages, being  
30 delivered to the Class A licensee and the date of the tasting. All such free alcoholic beverages,  
31 other than wines and malt beverages, delivered but not used during the tasting shall be  
32 accompanied by an invoice which states the amount of free alcoholic beverages, other than wines  
33 and malt beverages, delivered but not used by the Class A licensee during the tasting.  
34 Wholesalers may participate at such tasting events of alcoholic beverages, other than wines and

1 malt beverages, and may handle, serve or dispense such alcoholic beverages, other than wines  
2 and malt beverages, either directly or indirectly, through any agent, employee, stockholder,  
3 officer or other person or any subsidiary, but person handling, serving or dispensing any such  
4 beverages shall be under the authority and supervision of the Class A licensee conducting the  
5 tasting for all liability purposes.

6 (d) ~~wine~~ Wine, ~~beer~~, malt beverage, and distilled spirits samplings may not be conducted  
7 simultaneously on the same Class A licensed premise. Each consumer shall be limited to no more  
8 than one sample tasting of each product. The licensee may elect on one occasion annually, during  
9 the month of November only, to serve unlimited samples of wine products available for purchase  
10 from the licensee's outlet.

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

14 ~~The licensee shall control, without wholesaler or supplier participation, the dispensing of~~  
15 ~~all samples to prospective customers.~~ The licensee may not hold more than ten (10) tasting events  
16 in any thirty-day (30) period. It shall be required that the licensee provide to the dispenser(s) of  
17 said wine and beer samples, training in the service of alcoholic beverages by a recognized  
18 training provider of alcoholic beverage service.

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES -- TASTINGS

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1           This act would amend the statute on wine and beer, and distilled spirit sampling or  
2 tastings to permit the wholesaler to supply free product to Class A licensees for use in such  
3 sampling or tastings.

4           This act would take effect upon passage.

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