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LC002123

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO ALCOHOLIC BEVERAGES-RETAIL LICENSES

Introduced By: Representatives O'Brien, Johnston, Solomon, Almeida, and McKiernan

Date Introduced: March 22, 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. Holders of retail Class A licenses~~
5 ~~permitted to conduct wine, malt beverage, liqueur and cordial and alcoholic beverage~~
6 ~~tastings on premises.~~

7 ~~Any holder of a Class A retail license shall be permitted to conduct at no charge to the~~
8 ~~consumer, inside the premises of the licensee, sample tastings of wine (under 13% alcohol by~~
9 ~~volume), beer (under 5.5% alcohol by volume), and distilled spirits available for purchase from~~
10 ~~the licensee's outlet. These samples shall not exceed one ounce servings of each wine, the number~~
11 ~~of wines being limited to no more than four (4) products at any one tasting; and one ounce~~
12 ~~servings of each beer, with the number of beer samplings being limited to two (2) products at any~~
13 ~~one tasting; and one quarter ounce servings (1/4 oz) of each distilled spirit, the number of~~
14 ~~distilled spirits being limited to no more than two (2) products at any one tasting. Furthermore,~~
15 ~~wine, beer, and distilled spirits samplings may not be conducted simultaneously on the same~~
16 ~~Class A licensed premise. Each consumer shall be limited to no more than one sample tasting of~~
17 ~~each product. The licensee may elect on one occasion annually, during the month of November~~
18 ~~only, to serve unlimited samples of wine products available for purchase from the licensee's~~
19 ~~outlet.~~

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

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

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

14 (a) Any such holder of a retail Class A licensee may provide, without charge, on premises
15 sample wine or malt beverage tastings for prospective customers available for sale on such
16 premises; provided, however, that no single serving of wine shall exceed one ounce (1 oz.) and no
17 single serving of malt beverages shall exceed one ounce (1 oz.).

18 A licensee who holds a license according to the provisions of this section may also
19 conduct on premise sample wine or malt beverage tasting in restaurants and function rooms
20 licensed under the provisions of this chapter; provided, however, that the holder of a license
21 pursuant to this section shall not deliver orders for off premises consumption at the event or
22 function; provided, further, that the holder of a license issued pursuant to the provisions of this
23 chapter shall control the dispensing of wine or malt beverage samples on its premises; and
24 provided, further, that food shall be served in conjunction with such wine or malt beverage tasting
25 conducted on the premises of the holder of any retail Class A license.

26 A licensee who holds a license for the sale of all alcoholic beverages may provide,
27 without charge, on-premises sample liqueurs and cordials tastings for prospective customers if
28 such beverages shall be available for sale on the premises; provided, however, that no single
29 serving of liqueurs and cordials shall exceed one-quarter of an ounce (.25 oz.). A licensee who
30 holds a license for the sale of all alcoholic beverages according to this section may also conduct
31 on-premises sample liqueurs and cordials tasting in restaurants and function rooms licensed under
32 this chapter who hold a license for the sale of all alcoholic beverages or a license for the sale of
33 wines and malt beverages and which also hold, pursuant to this chapter, written approval to sell
34 liqueurs and cordials pursuant to the license; provided, however, that the holder of a license

1 pursuant to this section shall not deliver orders for off-premises consumption at the event or
2 function; provided, further, that the holder of a license issued pursuant to this chapter shall
3 control the dispensing of liqueurs and cordials samples on their premises; and provided further,
4 that food shall be served in conjunction with liqueurs and cordials tasting conducted on the
5 premises of the holder of any retail Class A license. A licensee who holds a license for the sale of
6 all alcoholic beverages may provide, without charge, on-premises sample alcoholic beverages
7 tastings for prospective customers if such beverages shall be available for sale on the premises;
8 provided, however, that no single serving of alcoholic beverages, other than wines and malt
9 beverages shall exceed one-quarter of an ounce (.25 oz.). A licensee who holds a license for the
10 sale of all alcoholic beverages according to this section may also conduct on-premises sample
11 tasting of alcoholic beverages, other than wines and malt beverages, in restaurants and function
12 rooms licensed under this chapter who hold a license for the sale of all alcoholic beverages;
13 provided, however, that the holder of a license pursuant to this section shall not deliver orders for
14 off premises consumption at the event or function; provided further, that the holder of a license
15 issued pursuant to this chapter shall control the dispensing of samples of alcoholic beverages,
16 other than wines and malt beverages, on its premises; and provided, further, that food shall be
17 served in conjunction with alcoholic beverages tasting, other than wines and malt beverages,
18 conducted on the premises of the holder of a retail Class A license.

19 (b) Wholesalers and suppliers licensed under this chapter may provide free wine lawfully
20 sold by such licensees to retail Class A licensees authorized pursuant to this chapter to conduct
21 bona fide wine tastings, solely to be dispensed at such tastings. Not more than nine liters (9 L) of
22 wine of a wholesaler or supplier may be furnished to or accepted by a retail Class A licensee
23 authorized pursuant to this section to conduct such tastings during any consecutive thirty (30)
24 days. Transportation and delivery of such products by the wholesaler or supplier license under
25 this chapter shall be accompanied by an invoice which states the amount of free wine being
26 delivered to the retail Class A licensee and the date of the tasting. All such free wine delivered,
27 but not used during the tasting, shall be removed from the premises of the licensee and returned to
28 the wholesaler or supplier who delivered it and shall be accompanied by an invoice which
29 indicates the amount of free wine 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 supplier licensed under this chapter, may provide to a wholesale licensee, free wine

1 lawfully sold by said wholesale licensee under this chapter, for the wholesale licensee to furnish
2 to any retail Class A licensee solely for use at a tasting under this section if the wholesaler and
3 supplier agree. For the purposes of this subsection, the word "supplier" means a licensee or a
4 holder of a certificate of compliance pursuant to this chapter.

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

20 A supplier licensed under this chapter may provide to a wholesale licensee under this
21 chapter free malt beverages lawfully sold by said wholesale licensee for the wholesale licensee
22 under to furnish to any retail Class A licensee, solely for use at a tasting permitted under this
23 section, if the wholesaler and supplier agree. For the purposes of this subsection, the word
24 "supplier" shall mean a licensee or a holder of a certificate of compliance pursuant to this chapter.

25 (d) Wholesalers and suppliers licensed pursuant to this chapter may provide free liqueurs
26 and cordials lawfully sold by such licensees to retail Class A licensees to conduct bona fide
27 liqueur and cordial tastings, solely to be dispensed at such tastings. Not more than one liter (1 L)
28 of liqueurs or cordials of a wholesaler or supplier may be furnished to or accepted by a retail
29 Class A licensee authorized pursuant to this section to conduct such tastings during any
30 consecutive thirty (30) days. Transportation and delivery of such products by the wholesaler or
31 supplier licensee shall be accompanied by an invoice which indicates the amount of free liqueurs
32 and cordials being delivered to the retail Class A licensee and the date of the tasting. All such free
33 liqueurs and cordials delivered, but not used during the tasting, shall be removed from the
34 premises of the licensee and returned to the wholesaler or supplier who delivered it and shall be

1 accompanied by an invoice which indicates the amount of free liqueurs and cordials delivered but
2 not used by the licensee during the tasting. Persons handling, serving or dispensing any such
3 beverages shall be under the authority and supervision of the retail Class A licensee conducting
4 the tasting for all liability purposes. All persons handling, serving or dispensing any such
5 beverages shall be trained and certified through a registered alcohol server program.

6 A supplier licensed under this chapter may provide to a wholesale licensee free liqueurs
7 and cordials lawfully sold by said wholesale licensee for the wholesale licensee to furnish to any
8 retail Class A licensee solely for use at a tasting permitted in this section if the wholesaler and
9 supplier agree. For the purposes of this subsection, the word "supplier" means a licensee or a
10 holder of a certificate of compliance pursuant to this chapter.

11 (e) Wholesalers and suppliers licensed pursuant to this chapter may provide alcoholic
12 beverages lawfully sold by such licensees to retail Class A licensees to conduct bona fide
13 alcoholic beverage tastings, solely to be dispensed at such tastings. Not more than one liter (1 L)
14 of alcoholic beverages of a wholesaler or supplier may be furnished to or accepted by a retail
15 class A licensee authorized pursuant to this section to conduct such tastings during any
16 consecutive thirty (30) days. Transportation and delivery of such products by the wholesaler or
17 supplier license shall be accompanied by an invoice which indicates the amount of free alcoholic
18 beverages being delivered to the retail Class A licensee and the date of the tasting. All such free
19 alcoholic beverages delivered, but not used during the tasting, shall be removed from the
20 premises of the licensee and returned to the wholesaler or supplier who delivered it and shall be
21 accompanied by an invoice which indicates the amount of free alcoholic beverages delivered but
22 not used by the licensee during the tasting. Persons handling, serving or dispensing any such
23 beverages shall be under the authority and supervision of the retail Class A licensee conducting
24 the tasting for all liability purposes. All Persons handling, delivering or dispensing any such
25 beverages shall be trained and certified through a registered alcohol server program.

26 A supplier may provide to a wholesale licensee pursuant to this chapter, free alcoholic
27 beverages lawfully sold by said wholesale licensee for the wholesale licensee to furnish to any
28 retail Class A licensee solely for use at a tasting permitted under this section if the wholesaler and
29 supplier agree. For the purposes of this subsection, the word "supplier" shall mean a licensee or a
30 holder of a certificate of compliance pursuant to this chapter.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES-RETAIL LICENSES

1 This act would permit retail class A alcohol license holders, wholesalers, and suppliers to
2 provide liquor, malt beverages, wine and other alcoholic beverages at tastings to be conducted on
3 premises, or at retail premises by wholesalers and would provide that such alcoholic beverages
4 could be served up to certain amounts. Any beverages not used at retail establishments by
5 wholesalers would have to be returned to the wholesaler and invoices would have to be generated
6 indicating what was delivered and what unused portion was returned. Servers would have to be
7 trained under an alcohol server program. Food may be served at any tastings authorized under this
8 section.

9 This act would take effect upon passage.

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