

2021 -- H 5105 SUBSTITUTE B

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LC000897/SUB B
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Introduced By: Representatives Baginski, Noret, and Casimiro

Date Introduced: January 22, 2021

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-7 of the General Laws in Chapter 3-7 entitled "Retail Licenses"

2 is hereby amended to read as follows:

3 **3-7-7. Class B license.**

4 (a)(1) A retailer's Class B license is issued only to a licensed bona fide tavern keeper or
5 victualer whose tavern or victualing house may be open for business and regularly patronized at
6 least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or
7 served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. Local licensing boards may
8 fix an earlier closing time within their jurisdiction, at their discretion. The East Greenwich town
9 council may, in its discretion, issue full and limited Class B licenses which may not be transferred,
10 but which shall revert to the town of East Greenwich if not renewed by the holder. The Cumberland
11 town council may, in its discretion, issue full and limited Class B licenses which may not be
12 transferred to another person or entity, or to another location, but which shall revert to the town of
13 Cumberland if not renewed by the holder.

14 The Pawtucket city council may, in its discretion, issue full and limited Class B licenses
15 which may not be transferred to another person or entity, or to another location, but which shall
16 revert to the city of Pawtucket if not renewed by the holder. This legislation shall not affect any
17 Class B license holders whose licenses were issued by the Pawtucket city council with the right to
18 transfer.

19 (2) The license authorizes the holder to keep for sale and sell beverages including beer in

1 cans, at retail at the place described and to deliver them for consumption on the premises or place
2 where sold, but only at tables or a lunch bar where food is served. It also authorizes the charging
3 of a cover, minimum, or door charge. The amount of the cover, or minimum, or door charge is
4 posted at the entrance of the establishments in a prominent place.

5 (i) A holder of a Class B license will be permitted to sell, with take-out food orders, up to
6 two (2) seven hundred fifty millimeter (750 ml) bottles of wine or the equivalent volume of wine
7 in smaller factory sealed containers, or seventy-two ounces (72 oz.) of mixed wine-based drinks or
8 single serving wine in containers sealed in such a way as to prevent re-opening without obvious
9 evidence that the seal was removed or broken, one hundred forty-four ounces (144 oz.) of beer or
10 mixed beverages in original factory sealed containers, and one hundred forty-four ounces (144 oz.)
11 of draft beer or seventy-two ounces (72 oz.) of mixed beverages containing not more than nine
12 ounces (9 oz.) of distilled spirits in growlers, bottles or other containers sealed in such a way as to
13 prevent re-opening without obvious evidence that the seal was removed or broken, provided such
14 sales shall be made in accordance with § 1.4.10 of the department of business regulation (DBR)
15 liquor control administration regulations, 230-RICR-30-10-1, and any other DBR regulations.

16 (ii) Delivery of alcoholic beverages with food from a Class B licensee is prohibited.

17 (3) Holders of licenses are not permitted to hold dances within the licensed premises, unless
18 proper permits have been properly obtained from the local licensing authorities.

19 (4) Any holder of a Class B license may, upon the approval of the local licensing board
20 and for the additional payment of two hundred dollars (\$200) to five hundred dollars (\$500), open
21 for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before legal
22 state holidays may close at two o'clock (2:00) a.m. All requests for a two o'clock (2:00) a.m. license
23 shall be advertised by the local licensing board in a newspaper having a circulation in the county
24 where the establishment applying for the license is located.

25 (5) A holder of a retailer's Class B license is allowed to erect signs advertising his or her
26 business and products sold on the premises, including neon signs, and is allowed to light those signs
27 during all lawful business hours, including Sundays and holidays.

28 (6) Notwithstanding the provisions of subsection (a) and/or § 3-7-16.4, a holder of a retail
29 class B and/or class ED license may apply to the municipality in which such licensee is located for
30 a permit to conduct a so-called "Lock-In Event", under the following conditions:

31 (i) A "Lock-In Event" is defined as an event where a specified group of individuals are
32 permitted to remain in a licensed premises after closing hours including, but not limited to, the
33 hours of 1:00 a.m. to 6:00 a.m.

34 (ii) A Lock-In Event must have the approval of the municipal licensing authority pursuant

1 to a permit issued for each such event, subject to such conditions as such may attach to the permit.
2 The fee for the permit shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars
3 (\$100). The granting or denial of a Lock-In Event permit shall be in the sole discretion of the
4 municipal licensing authority and there shall be no appeal from the denial of such a permit.

5 (iii) During the entire period of any Lock-In Event, all alcoholic beverages must be secured
6 in place or removed from the public portion of the premises and secured to the satisfaction of the
7 municipality issuing the Lock-In Event permit.

8 (iv) During the Lock-In Event, the establishment shall be exclusively occupied by the
9 Lock-In Event participants and no other patrons shall be admitted to the premises who are not
10 participants. It shall be a condition of the permit that participants shall not be admitted more than
11 thirty (30) minutes after the permitted start time of the Lock-In Event, except in the event of
12 unforeseen travel delays, nor permitted to re-enter the event if they leave the licensed premises.

13 (v) As part of the Lock-In Event, food shall be served.

14 (vi) The municipal licensing authority may, in its sole discretion, require the presence of a
15 police detail, for some or all of the event, and the number of officers required, if any, shall be
16 determined by the municipality as part of the process of issuing the Lock-In Event permit. The
17 licensee shall be solely responsible for the cost of any such required police detail.

18 (b) The annual license fee for a tavern keeper shall be four hundred dollars (\$400) to two
19 thousand dollars (\$2,000), and for a victualer the license fee shall be four hundred dollars (\$400)
20 to two thousand dollars (\$2,000). In towns with a population of less than two thousand five hundred
21 (2,500) inhabitants, as determined by the last census taken under the authority of the United States
22 or the state, the fee for each retailer's Class B license shall be determined by the town council, but
23 shall in no case be less than three hundred dollars (\$300) annually. If the applicant requests it in his
24 or her application, any retailer's Class B license may be issued limiting the sale of beverages on the
25 licensed premises to malt and vinous beverages containing not more than twenty percent (20%)
26 alcohol by volume, and the fee for that limited Class B license shall be two hundred dollars (\$200)
27 to one thousand five hundred dollars (\$1,500) annually. The fee for any Class B license shall in
28 each case be prorated to the year ending December 1 in every calendar year.

29 (1) Upon the approval and designation of a district or districts within its city or town by
30 the local licensing board, the local licensing board may issue to any holder of a Class B license or
31 a Class ED license, an extended hours permit to extend closing hours on Thursdays, Fridays and
32 Saturdays, the night before a legal state holiday or such other days as determined by the local board,
33 for one hour past such license holder's legal closing time as established by the license holder's
34 license or licenses including, but not limited to, those issued pursuant to subdivision (4) hereof.

1 The extended hours permit shall not permit the sale of alcohol during the extended one-hour period
2 and shall prohibit the admittance of new patrons in the establishment during the extended one-hour
3 period. The designation of such district(s) shall be for a duration of not less than six (6) months.
4 Prior to designating any such district, the local licensing authority shall hold a hearing on the
5 proposed designation. The proposed designation shall include the boundaries of the proposed
6 district, the applicable days for the extended hours, and the duration of the designation and the
7 conditions imposed. The proposed designation shall be advertised at least once per week for three
8 (3) weeks prior to the hearing in a newspaper in general circulation in the city or town. The city or
9 town will establish an application process for an extended hours permit for such license holder and
10 may adopt rules and regulations to administer the permit.

11 SECTION 2. Section 3-6-1.2 of the General Laws in Chapter 3-6 entitled "Manufacturing
12 and Wholesale Licenses" is hereby amended to read as follows:

13 **3-6-1.2. Brewpub manufacturer's license.**

14 (a) A brewpub manufacturer's license shall authorize the holder to establish and operate a
15 brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of the
16 beverages manufactured on the location for consumption on the premises. The license shall not
17 authorize the retail sale of beverages from any location other than the location set forth in the
18 license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-
19 gallon bottle known as a "growler" to consumers for off the premises consumption to be sold
20 pursuant to the laws governing retail Class A establishments.

21 (b) The license shall also authorize the sale at wholesale at the licensed place by the
22 manufacturer of the product of his or her licensed plant as well as beverages produced for the
23 brewpub and sold under the brewpub's name to a holder of a wholesaler's license and the
24 transportation and delivery from the place of sale to the licensed wholesaler or to a common carrier
25 for that delivery.

26 (c) The brewpub manufacturer's license further authorizes the sale of beverages
27 manufactured on the premises to any person holding a valid wholesaler's and importer's license
28 under § 3-6-9 or 3-6-11.

29 (d) The annual fee for the license is one thousand dollars (\$1,000) for a brewpub producing
30 more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per year for a
31 brewpub producing less than fifty thousand (50,000) gallons per year. The annual fee is prorated to
32 the year ending December 1 in every calendar year and paid to the general treasurer for the use of
33 the state.

34 [\(e\) A holder of a brewpub manufacturers license will be permitted to sell, with take-out](#)

1 [food orders, up to two \(2\) seven hundred fifty millimeter \(750 ml\) bottles of wine or the equivalent](#)
2 [volume of wine in smaller factory sealed containers, or seventy-two ounces \(72 oz.\) of mixed wine-](#)
3 [based drinks or single serving wine in containers sealed in such a way as to prevent re-opening](#)
4 [without obvious evidence that the seal was removed or broken, one hundred forty-four \(144 oz.\) of](#)
5 [beer or mixed beverages in original factory sealed containers, and one hundred forty-four ounces](#)
6 [\(144 oz.\) of draft beer or seventy-two ounces \(72 oz.\) of mixed beverages containing not more than](#)
7 [nine ounces \(9 oz.\) of distilled spirits in growlers, bottles or other containers sealed in such a way](#)
8 [as to prevent re-opening without obvious evidence that the seal was removed or broken, provided](#)
9 [such sales shall be made in accordance with § 1.4.10 of the department of business regulation](#)
10 [\(DBR\) liquor control administration regulations, 230-RICR-30-10-1, and any other DBR](#)
11 [regulations.](#)

12 [\(1\) Delivery of alcoholic beverages with food from a brewpub licensee is prohibited.](#)

13 SECTION 3. This act shall take effect upon passage and shall sunset on March 1, 2022.

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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 authorize a holder of a Class B or brew pub manufacturer's license to sell
2 specified amounts of wine, beer and mixed alcoholic beverages with take-out food orders; however,
3 sale of all other alcoholic beverages and any delivery of alcoholic beverages would be prohibited.

4 This act would take effect upon passage and would sunset on March 1, 2022.

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