

2013 -- H 5455

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES - SAMPLE TASTINGS

Introduced By: Representatives Carnevale, Hull, DeSimone, Palumbo, and O'Brien

Date Introduced: February 14, 2013

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, liqueur, 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, beer or malt beverages for prospective customers available for sale on
11 such premises; provided, however, that no single serving of wine shall exceed one ounce (1oz.)
12 and no single serving of beer and/or malt beverages shall exceed one ounce (1oz.). A licensee
13 who holds a license according to the provisions of this section may also conduct on premises
14 sample wine, beer or malt beverage tastings in restaurants and function rooms licensed under the
15 provisions of section 3-7-7; provided, however, that the holder of a license pursuant to this
16 section, shall not deliver orders for off-premises consumption at the event or function; provided,
17 further, that the holder of a license issued pursuant to the provisions of section 3-7-7 shall control
18 the dispensing of wine or malt beverage samples on the premises; and provided, further, that food
19 shall be served in conjunction with such wine or malt beverage tasting conducted on the premises
20 of the holder of a license issued pursuant to said section 3-7-7.

21 (b) A licensee who holds a Class A retail license for the sale of all alcoholic beverages
22 may provide, without charge, on-premises sample liqueurs and cordials tastings for prospective
23 customers if such beverages shall be available for sale on the premises; provided, however, that
24 no single serving of liqueurs and cordials shall exceed one quarter (1/4) of an ounce. A licensee
25 who holds a Class A retail license for the sale of all alcoholic beverages may also conduct on-
26 premises sample liqueurs and cordials tastings in restaurants and function rooms licensed under
27 section 3-7-7 who hold a license for the sale of all alcoholic beverages or a license for the sale of
28 wines and malt beverages and which also holds a license to sell liqueurs and cordials; provided,
29 however, that the holder of said license shall not deliver orders for off-premises consumption at
30 the event or function; provided, further, that the holder of said license shall control the dispensing
31 of liqueurs and cordials samples on his/her premises; and provided further, that food shall be
32 served in conjunction with a liqueurs and cordials tasting conducted on the premises of the holder
33 of a license issued pursuant to section 3-7-7.

34 (c) A licensee who holds a Class A retail license for the sale of all alcoholic beverages

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

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

29 A manufacturer under section 3-6-1 may provide to a wholesale licensee under chapter 3-
30 6 free wine lawfully sold by said wholesale licensee for the wholesale licensee to furnish to any
31 retail Class A licensee solely for use at a tasting if the wholesaler and manufacturer agree. For the
32 purposes of this paragraph, the word “manufacturer” shall mean a licensee or a holder of a license
33 under section 3-6-1.

34 (e) Wholesalers and manufacturers licensed under chapter 3-6 may provide free malt

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

15 A manufacturer may provide to a wholesale licensee under chapter 3-6 free malt
16 beverages lawfully sold by said wholesale licensee for the wholesale licensee to furnish to any
17 retail Class A licensee solely for use at a tasting if the wholesaler and manufacturer agree. For the
18 purposes of this paragraph, the word “manufacturer” shall mean a licensee under chapter 3-6.

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

34 A supplier may provide to a wholesale licensee free liqueurs and cordials lawfully sold

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

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

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

24 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 - SAMPLE TASTINGS

- 1 This act would expand the alcoholic beverages that may be used for sample tastings to
- 2 include liquors, cordials and alcohol.
- 3 This act would take effect upon passage.

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