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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - SAMPLE TASTINGS

Introduced By: Senators Jabour, Nesselbush, Lombardo, Ciccone, and Lombardi

Date Introduced: February 06, 2013

Referred To: Senate Special Legislation and Veterans Affairs

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 (¼) 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  
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RELATING TO ALCOHOLIC BEVERAGES - SAMPLE TASTINGS

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

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