

1 S.200

2 Introduced by Senator Ayer

3 Referred to Committee on

4 Date:

5 Subject: Alcoholic beverages; spirits; retail sales; department of public safety

6 Statement of purpose: This bill proposes to disband the department of liquor

7 control and include responsibility for enforcement of liquor and tobacco laws

8 within the jurisdiction of the department of public safety. Further this act

9 proposes to permit second class licensees to sell spirituous liquors.

10 An act relating to privatizing the sale of spirituous liquors

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 7 V.S.A. § 2 is amended to read:

13 § 2. DEFINITIONS

14 The following words as used in this title, unless a contrary meaning is

15 required by the context, shall have the following meaning:

16 * * *

17 (19) "Second class license": a license granted by the control

18 commissioners permitting the licensee or seller to sell spirituous liquors or

19 malt or vinous beverages to the public for consumption off the premises for

1 which the license is granted. The words permit and license shall have the same
2 meaning in this title.

3 * * *

4 Sec. 2. 7 V.S.A. § 101 is amended to read:

5 § 101. ~~COMPOSITION OF DEPARTMENT; COMMISSIONER OF~~
6 ~~LIQUOR CONTROL; LIQUOR CONTROL BOARD~~

7 (a) The department of ~~liquor control, created by section 212 of Title 3,~~
8 public safety shall include ~~the commissioner of liquor control and~~ the liquor
9 control board.

10 (b) The liquor control board shall consist of three persons, not more than
11 two members of which ~~shall belong to~~ are members of the same political party.
12 Biennially, with the advice and consent of the senate, the governor shall
13 appoint a person as a member of ~~such~~ the board for the term of six years,
14 whose term of office shall commence on February 1 of the year in which ~~such~~
15 the appointment is made. The governor shall biennially designate a member of
16 ~~such~~ the board to be its ~~chairman~~ chair.

17 Sec. 3. 7 V.S.A. § 104 is amended to read:

18 § 104. DUTIES

19 The board shall have supervision and management of the sale of spirituous
20 liquors within the state in accordance with the provisions of this title, and
21 through the commissioner of ~~liquor control~~ public safety shall:

1 (1) ~~See that the laws relating to intoxicating liquor and to the~~
2 ~~manufacture, sale, transportation, barter, furnishing, importation, exportation,~~
3 ~~delivery, prescription and possession of malt and vinous beverages, spirituous~~
4 ~~liquors and alcohol by licensees and others are enforced, using for that purpose~~
5 ~~such of the moneys annually available to the liquor control board as may be~~
6 ~~necessary. However, the liquor control board and its agents and inspectors~~
7 ~~shall act in this respect in collaboration with sheriffs, deputy sheriffs,~~
8 ~~constables, officers and members of village and city police forces, control~~
9 ~~commissioners, the attorney general, state's attorneys, and town and city grand~~
10 ~~jurors. When the board acts to enforce any section of this title or any~~
11 ~~administrative rule or regulation relating to sale to minors, its investigation on~~
12 ~~the alleged violation shall be forwarded to the attorney general or the~~
13 ~~appropriate state's attorney whether or not there is an administrative finding of~~
14 ~~wrongdoing. Nothing in this section shall be deemed to affect the~~
15 ~~responsibility or duties of such enforcement officers or agencies with respect to~~
16 ~~the enforcement of such laws.~~

17 (2) ~~Supervise the opening and operation of local agencies~~ Grant licenses
18 ~~for the retail sale and distribution of spirituous liquors.~~

19 (3) ~~Locate and establish a central liquor agency for the purpose of~~
20 ~~supplying local agencies established in accordance with this title and for the~~
21 ~~purpose of selling to licensees of the third class and druggists, and supervise~~

1 ~~the operation of such central liquor agency~~ Grant licenses to wholesale dealers
2 of spirituous liquors to sell to persons licensed to sell spirituous beverages at
3 retail for off premises consumption and to third class and druggist licensees.

4 (4) ~~Supervise the financial transactions of such central liquor agency~~
5 ~~and the local agencies established in accordance with this title.~~

6 (5) Make ~~and promulgate regulations~~ rules necessary for the execution
7 of its powers and duties and of the powers and duties of all persons under its
8 supervision and control.

9 (6) Employ such assistants, inspectors, and other officers as it deems
10 necessary, subject to the approval of the governor.

11 (7) Fix bonds or other security to be given by licensees.

12 (8) Make rules ~~and regulations~~ concerning, and issue permits under ~~such~~
13 terms and conditions as it may impose for the furnishing, purchasing, selling,
14 bartering, transporting, importing, exporting, delivering, and possessing of
15 alcohol, including denatured alcohol, for manufacturing, mechanical,
16 medicinal, and scientific purposes.

17 (9) Make ~~and promulgate regulations~~ rules regarding labeling and
18 advertising of malt or vinous beverages and spirituous liquors by adoption of
19 federal regulations or otherwise, and collaborate with federal agencies in
20 respect ~~thereto and the~~ to enforcement ~~thereof~~.

1 (10) Make ~~and promulgate regulations~~ rules relating to extension of
2 credit by and to licensees or permittees.

3 (11) Make and promulgate regulations regarding intrastate
4 transportation of malt and vinous beverages.

5 (12) Make rules regarding the number and distribution throughout the
6 state of second class licenses for the sale of spirituous liquors. In no event
7 shall more than one second class license for the sale of spirituous liquors be
8 granted for each 4,000 persons in any town or locality.

9 Sec. 4. 7 V.S.A. § 563 is amended to read:

10 § 563. SEARCH WARRANTS

11 If a state's attorney, the commissioner of ~~liquor control~~ public safety, or an
12 inspector duly acting for the liquor control board, or a control commissioner or
13 a town grand juror or two reputable citizens of the county, make complaint
14 under oath or affirmation, before a judge of a district court, that he or ~~they have~~
15 she has reason to believe that malt or vinous beverages or spirituous liquor or
16 alcohol are kept or deposited for sale or distribution contrary to law, or that
17 alcohol is manufactured or possessed contrary to law, in a dwelling house,
18 store, shop, steamboat, or water craft of any kind, depot, railway car, motor
19 vehicle or land or air carriage of any kind, warehouse or other building or place
20 in ~~such~~ the county, ~~such~~ the judge shall issue a warrant to search the premises
21 described in ~~such~~ the complaint. If ~~such~~ the liquor is found ~~therein~~ under

1 circumstances warranting the belief that it is intended for sale or distribution
2 contrary to law, or if a ~~such~~ the alcohol is found ~~therein~~ under circumstances
3 warranting the belief that it is unlawfully manufactured or possessed, or if any
4 still, or any other apparatus for the manufacture of alcohol is found ~~therein~~, the
5 officer shall seize and convey the same to ~~some place of security, and keep it~~
6 ~~until final action is had thereon~~ a secure place until the matter is resolved.

7 Sec. 5. 7 V.S.A. § 1001 is amended to read:

8 § 1001. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (2) “Commissioner” means the commissioner of the department of
12 ~~liquor control~~ public safety.

13 * * *

14 (5) “Tobacco license” means a license issued by the department of
15 ~~liquor control~~ public safety under this chapter permitting the licensee to engage
16 in the retail sale of tobacco products or locate a vending machine on the
17 premises identified in the license.

18 * * *

1 Sec. 6. 20 V.S.A. § 1872 is amended to read:

2 § 1872. DUTIES OF COMMISSIONER GENERALLY

3 The commissioner shall be the chief enforcement officer of all the statutes,
4 rules, and regulations pertaining to the law of the road and the display of lights
5 on vehicles and to intoxicating liquor, tobacco products, including the
6 licensing, manufacture, sale, transportation, barter, furnishing, importation,
7 exportation, delivery, prescription, and possession of malt and vinous
8 beverages, spirituous liquors and alcohol. In addition, the commissioner shall
9 supervise and direct the activities of the state police and of the Vermont
10 criminal information center and, as fire marshal, be responsible for enforcing
11 the laws pertaining to the investigation of fires, the prevention of fires, the
12 promotion of fire safety, and the delivery of fire service training.

13 Sec. 7. REPEAL

14 The following are repealed:

15 (1) 3 V.S.A. § 212(14), relating to the establishment of the department
16 of liquor control.

17 (2) 7 V.S.A. § 107, relating to duties of the commissioner of liquor
18 control.

19 (3) 7 V.S.A. §§ 110, relating to special brands, and 111, relating to
20 vinous beverages manufactured in Vermont.

1 (4) 7 V.S.A. § 112, relating to the liquor control fund.

2 (5) 7 V.S.A. § 561, relating to the authority of liquor control

3 investigators, is repealed.