

1 S.235

2 Introduced by Senators Hooker, Westman, Balint, Brock, Clarkson, Sears and  
3 Sirotkin

4 Referred to Committee on

5 Date:

6 Subject: Alcoholic beverages; general provisions; definitions

7 Statement of purpose of bill as introduced: This bill proposes to define “low-  
8 alcohol spirits beverage” and include low-alcohol spirits beverages in the  
9 regulatory structure of “vinous beverages” under Title 7.

10 An act relating to low-alcohol spirits beverages

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 As used in this title:

15 \* \* \*

16 (25) “Low-alcohol spirits beverage” means an alcoholic beverage  
17 containing more than one percent alcohol by volume, but not more than 16  
18 percent alcohol by volume, obtained by distillation, by chemical synthesis, or  
19 through concentration by freezing and mixed with nonalcoholic beverages or  
20 flavoring or coloring materials. “Low-alcohol spirits beverages” may also

1 contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives,  
2 and other ingredients. Spirits-based beverages containing more than  
3 16 percent alcohol by volume shall be “spirits.”

4 (26) “Malt beverages” means all fermented beverages of any name or  
5 description manufactured for sale from malt, wholly or in part, or from any  
6 substitute therefor, known as, among other things, beer, ale, or lager,  
7 containing not less than one percent nor more than 16 percent alcohol by  
8 volume at 60 degrees Fahrenheit.

9 ~~(26)~~(27) “Manufacturer’s or rectifier’s license” means a license granted  
10 by the Board of Liquor and Lottery that permits the holder to manufacture or  
11 rectify malt beverages, vinous beverages and fortified wines, or spirits and  
12 fortified wines.

13 ~~(27)~~(28) “Minor” means an individual who has not attained 21 years of  
14 age.

15 ~~(28)~~(29) “Outside consumption permit” means a permit granted by the  
16 Division of Liquor Control allowing the holder of a first-class, first- and third-  
17 class, or fourth-class license to allow for consumption of alcoholic beverages  
18 in a delineated outside area.

19 ~~(29)~~(30) “Packager’s license” means a license granted by the Board of  
20 Liquor and Lottery permitting a person to bottle or otherwise package

1 alcoholic beverages for sale and to distribute and sell alcoholic beverages at  
2 wholesale in this State.

3 ~~(30)~~(31) “Person,” as applied to licensees, means an individual who is a  
4 citizen, a lawful permanent resident of the United States, or a holder of an E-2  
5 Visa; a partnership composed of individuals, a majority of whom are citizens,  
6 lawful permanent residents of the United States, or holders of an E-2 Visa; a  
7 corporation organized under the laws of this State or another state in which a  
8 majority of the directors are citizens, lawful permanent residents of the United  
9 States, or holders of an E-2 Visa; or a limited liability company organized  
10 under the laws of this State or another state in which a majority of the members  
11 or managers are citizens, lawful permanent residents of the United States, or  
12 holders of an E-2 Visa.

13 ~~(34)~~(32) “Request-to-cater permit” means a permit granted by the  
14 Division of Liquor Control authorizing a licensed caterer or commercial  
15 caterer to cater individual events.

16 ~~(32)~~(33) “Retail dealer” means any person who sells or furnishes malt or  
17 vinous beverages to the public.

18 ~~(33)~~(34) “Retail delivery permit” means a permit granted by the  
19 Division of Liquor Control that permits a second-class licensee to deliver malt  
20 beverages and vinous beverages sold from the licensed premises for

1 consumption off the premises to an individual who is 21 years of age or older  
2 at a physical address in Vermont.

3 ~~(34)~~(35) “Sampler flight” means a flight, ski, paddle, or any similar  
4 device by design or name intended to hold alcoholic beverage samples for the  
5 purpose of comparison.

6 ~~(35)~~(36) “Second-class license” means a license permitting the licensee  
7 to export and to sell malt beverages and vinous beverages to the public for  
8 consumption off the premises for which the license is granted.

9 ~~(36)~~(37) “Special event permit” means a permit granted by the Division  
10 of Liquor Control permitting a licensed manufacturer or rectifier to sell, by the  
11 glass or by the unopened bottle, alcoholic beverages manufactured or rectified  
12 by the license holder at an event open to the public that has been approved by  
13 the local control commissioners.

14 ~~(37)~~(38) “Special venue serving permit” means a permit granted by the  
15 Division of Liquor Control permitting an art gallery, bookstore, public library,  
16 or museum to conduct an event at which malt or vinous beverages, or both, are  
17 served by the glass to the public. As used in this section, “art gallery” means a  
18 fixed establishment whose primary purpose is to exhibit or offer for sale works  
19 of art; “bookstore” means a fixed establishment whose primary purpose is to  
20 offer books for sale; “public library” has the same meaning as in 22 V.S.A.  
21 § 101; and “museum” has the same meaning as in 27 V.S.A. § 1151.

1           ~~(38)~~(39) “Specialty beer” means a malt beverage that contains more  
2           than eight percent alcohol and not more than 16 percent alcohol by volume at  
3           60 degrees Fahrenheit.

4           ~~(39)~~(40) “Spirits” means beverages that contain more than one percent  
5           alcohol obtained by distillation, by chemical synthesis, or through  
6           concentration by freezing; vinous beverages containing more than 23 percent  
7           alcohol; and malt beverages containing more than 16 percent alcohol by  
8           volume at 60 degrees Fahrenheit. “Spirits” shall not include low-alcohol  
9           spirits beverages.

10          ~~(40)~~(41) “Third-class license” means a license granted by the Board of  
11          Liquor and Lottery permitting the licensee to sell spirits and fortified wines for  
12          consumption only on the premises for which the license is granted.

13          ~~(41)~~(42) “Vinous beverages” means all fermented beverages of any  
14          name or description manufactured or obtained for sale from the natural sugar  
15          content of fruits or other agricultural product, containing sugar, the alcoholic  
16          content of which is not less than one percent nor more than 16 percent by  
17          volume at 60 degrees Fahrenheit. “Vinous beverages” shall include low-  
18          alcohol spirits beverages.

19          ~~(42)~~(43) “Wholesale dealer’s license” means a license granted by the  
20          Board of Liquor and Lottery permitting the holder to sell or distribute malt and

1 vinous beverages to first- and second-class licensees, to educational sampling  
2 event permit holders, and to agencies of the United States.

3 Sec. 2. 10 V.S.A. § 1521 is amended to read:

4 § 1521. DEFINITIONS

5 ~~For the purpose of~~ As used in this chapter:

6 (1) "Beverage" means beer or other malt beverages and mineral waters,  
7 mixed wine drink, soda water and carbonated soft drinks in liquid form and  
8 intended for human consumption. ~~As of January 1, 1990 "beverage" also~~  
9 "Beverage" shall also mean liquor and low-alcohol spirits beverage.

10 \* \* \*

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on July 1, 2020.