

1 S.299

2 Introduced by Senator Fox

3 Referred to Committee on Economic Development, Housing and General
4 Affairs

5 Date: January 7, 2014

6 Subject: Alcoholic beverages; licensing; first-class licenses

7 Statement of purpose of bill as introduced: This bill proposes to allow the
8 holder of a first-class license to serve up to four glasses of malt beverages to a
9 customer at a single time.

10 *An act relating to sampler flights*

11 ~~An act relating to service of malt beverages by the glass~~

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

13 ~~Sec. 1. 7 V.S.A. § 222 is amended to read:~~

14 § 222. ~~FIRST AND SECOND CLASS~~ FIRST- AND SECOND-CLASS

15 LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING
16 FOR FOOD SERVICE

17 With the approval of the Liquor Control Board, the Control Commissioners
18 may grant to a retail dealer for the premises where the dealer carries on
19 business the following:

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~~(5) The holder of a first-class license may serve up to four glasses of malt beverages to a customer at one time. If the number of glasses served to a customer at a single time exceeds two, each glass shall contain no more than four ounces of malt beverage.~~

Sec. 2. EFFECTIVE DATE

~~This act shall take effect on July 1, 2014.~~

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

~~§ 2. DEFINITIONS~~

~~The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:~~

~~***~~

~~(37) “Sampler flight” means a flight, ski, paddle, or any similar device by design or name intended to hold alcoholic beverage samples for the purpose of comparison.~~

~~Sec. 2. 7 V.S.A. § 222 is amended to read:~~

~~§ 222. FIRST- AND SECOND- CLASS FIRST- AND SECOND-CLASS LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING FOR FOOD SERVICE~~

~~With the approval of the Liquor Control Board, the Control Commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:~~

~~***~~

~~(5)(A) The holder of a first-class license may serve a sampler flight of up to 32 ounces in the aggregate of malt beverages to a single customer at one time;~~

~~(B) The holder of a first-class license may serve a sampler flight of up to 12 ounces in the aggregate of vinous beverages to a single customer at one time, and~~

~~(C) The holder of a third class license may serve a sampler flight of up to four ounces in the aggregate of spirituous liquors to a single customer at one time.~~

Sec. 3. EFFECTIVE DATE

~~This act shall take effect on passage.~~

Sec. 1. PURPOSE

The purpose of this act is to allow wholesale dealers to offer tastings of malt or vinous beverages to the management and staff of businesses who have applied for first- or second-class licenses but have yet to receive the license from the Department of Liquor Control, provided that the local control commission has approved the liquor license. This will enable the management of new businesses to taste and choose malt or vinous beverages and to print their menus and otherwise make the start-up of their businesses easier.

Sec. 2. 7 V.S.A. § 67 is amended to read:

§ 67. ALCOHOLIC BEVERAGE TASTINGS; PERMIT; PENALTIES

* * *

(d) Promotional alcoholic beverage tasting:

* * *

(4) Upon receipt of a first- or second-class application by the Department, a holder of a wholesale dealer's license may dispense malt or vinous beverages for promotional purposes without charge to invited management and staff of a business that has applied for a first- or second-class license, provided they are of legal drinking age. The event shall be held on the premises of the first- or second-class applicant. The first- or second-class applicant shall be responsible for complying with all applicable laws under this title. No malt or vinous beverages shall be left behind. No permit is required under this subdivision, but the wholesale dealer shall provide written notice of the event to the Department at least five days prior to the date of the tasting. The Department shall post notice of the pending application on its website.

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Sec. 3. 7 V.S.A. § 2 is amended to read:

§ 2. DEFINITIONS

The following words as used in this title, unless a contrary meaning is required by the context, shall have the following meaning:

* * *

(37) "Sampler flight" means a flight, ski, paddle, or any similar device by design or name intended to hold alcoholic beverage samples for the purpose of comparison.

Sec. 4. 7 V.S.A. § 222 is amended to read:

§ 222. ~~FIRST- AND SECOND- CLASS~~ FIRST- AND SECOND-CLASS
LICENSES, GRANTING OF; SALE TO MINORS; CONTRACTING
FOR FOOD SERVICE

With the approval of the Liquor Control Board, the Control Commissioners may grant to a retail dealer for the premises where the dealer carries on business the following:

* * *

(5)(A) The holder of a first-class license may serve a sampler flight of up to 32 ounces in the aggregate of malt beverages to a single customer at one time;

(B) The holder of a first-class license may serve a sampler flight of up to 12 ounces in the aggregate of vinous beverages to a single customer at one time; and

(C) The holder of a third-class license may serve a sampler flight of up to four ounces in the aggregate of spirituous liquors to a single customer at one time.

Sec. 5. 7 V.S.A. § 66 is amended to read:

§ 66. MALT AND VINOUS BEVERAGE SHIPPING LICENSE; IN STATE;
OUT OF STATE; PROHIBITIONS; PENALTIES

* * *

(c) A manufacturer or rectifier of vinous beverages that is licensed in-state or out-of-state and holds valid ~~state~~ State and federal permits and operates a winery in the United States, may apply for a retail shipping license by filing with the Department of Liquor Control an application in a form required by the Department accompanied by a copy of its in-state or out-of-state license and the fee as required by subdivision 231(a)(7)(C) of this title. The retail shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(a)(7)(C) of this title accompanied by the licensee's current in-state or out-of-state manufacturer's license. This license permits the holder, which includes the holder's affiliates, franchises, and subsidiaries, to sell up to 5,000 gallons of vinous beverages a year directly to ~~first~~ first- or ~~second-class~~ second-class licensees and deliver the beverages by common carrier ~~or~~ the manufacturer's or rectifier's own vehicle, or the vehicle of an employee of a manufacturer or rectifier, provided that the beverages are sold

on invoice, and no more than 100 gallons per month are sold to any single ~~first~~ first- or second-class second-class licensee. The retail shipping license holder shall report to the Department documentation of the annual and monthly number of gallons sold. Vinous beverages under this section may be delivered by the vehicle of a second-class license holder if the second-class licensee cannot obtain the vinous beverages from a wholesale dealer.

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~~Sec. 6. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2014.~~

Sec. 6. DEPARTMENT OF LIQUOR CONTROL REPORT

On or before January 15, 2015, the Commissioner of Liquor Control, in consultation with the Department of Health, shall submit a report to the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on General, Housing and Military Affairs, the Senate Committee on Judiciary, and the House Committee on Judiciary regarding the risks associated with powdered alcohol products.

Sec. 7. 7 V.S.A. § 69 is added to read:

§ 69. POWDERED ALCOHOL PRODUCTS

(a) A person knowingly and unlawfully possessing a powdered alcohol product shall be fined not more than \$500.00.

(b) A person knowingly and unlawfully selling a powdered alcohol product shall be imprisoned not more than two years or fined not more than \$10,000.00, or both.

(c) As used in this section, "powdered alcohol product" means any alcoholic powder that can be added to water or food.

~~Sec. 8. EFFECTIVE DATES~~

~~(a) This Sec. and Secs. 3-7 shall take effect on passage.~~

~~(b) Secs. 1 and 2 shall take effect on July 1, 2014.~~

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.