

Title 07 : Alcoholic Beverages

License Types

§ 2. Definitions

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

(4) "Bottler's license": the license granted by the Liquor Control Board permitting a bottler to bottle for sale and to distribute and sell at wholesale malt or vinous beverages.

(6) "Caterer's license": a license issued by the Liquor Control Board authorizing the holder of a first-class license or first- and third-class licenses for a cabaret, restaurant, or hotel premises to serve malt or vinous beverages or spirituous liquors at a function located on premises other than those occupied by a first-, first- and third-, or second-class licensee to sell alcoholic beverages.

(7) "Club": an unincorporated association or a corporation authorized to do business in this State, that has been in existence for at least two consecutive years prior to the date of application for license under this title and owns, hires, or leases a building or space in a building that is suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and contains suitable and adequate kitchen and dining room space and equipment implements and facilities. A club may be used or leased by a nonmember as a location for a social event as if it were any other licensed commercial establishment. Such club shall file with the Liquor Control Board, before May 1 of each year, a list of the names and residences of its members and a list of its officers. Its affairs and management shall be conducted by a Board of Directors, Executive Committee, or similar body chosen by the members at its annual meeting, and no member or any officer, agent, or employee of the club shall be paid, or directly or indirectly receive, in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquors to the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body, and as reported by the club to the Liquor Control Board. An auxiliary member of a club may invite one guest at any one time. An officer or director of a club may perform the duties of a bartender without receiving any payment for that service, provided the officer or director is in compliance with the requirements of this title that relate to service of alcoholic beverages. An officer, member, or director of a club may volunteer to perform services at the club other than serving alcoholic beverages, including seating patrons and checking identification, without receiving payment for those services. An officer, member, or director of a club who volunteers his or her services shall not be considered to be an employee of the club. A bona fide unincorporated association or corporation whose officers and members consist solely of veterans of the Armed Forces of the United States, or a subordinate lodge or local chapter of any national fraternal order, and which fulfills all requirements of this subdivision, except that it has not been in existence for two years, shall come within the terms of this definition six months after the completion of its organization. A club located on

and integrally associated with at least a regulation nine-hole golf course need only be in existence for six months prior to the date of application for license under this title.

(10) "First-class license": a license granted by the control commissioners permitting the licensee to sell malt or vinous beverages to the public for consumption only on the premises for which the license is granted.

(11) "Hotel" has the same meaning as in 32 V.S.A. § 9202(3) and as determined by the Liquor Control Board. A hotel that places a minibar in any room of a registered guest shall assure that the minibar is locked and that access to the minibar is restricted to guests of legal drinking age.

(15) "Manufacturer's or rectifier's license": a license granted by the Liquor Control Board that permits the holder to manufacture or rectify spirituous liquors for export and sale to the Liquor Control Board, or malt beverages and vinous beverages for export and sale to bottlers or wholesale dealers. This license permits a manufacturer of vinous beverages to receive from another manufacturer licensed in or outside this state bulk shipments of vinous beverages to rectify with the licensee's own product, provided that the vinous beverages produced by a Vermont manufacturer may contain no more than 25 percent imported vinous beverage. The Liquor Control Board may grant to a licensed manufacturer or rectifier a first-class restaurant or cabaret license or first- and third-class restaurant or cabaret license permitting the licensee to sell alcoholic beverages to the public only at the manufacturer's premises, which for the purposes of a manufacturer of malt beverages, includes up to two licensed establishments that are located on the contiguous real estate of the holder of the manufacturer's license, provided the manufacturer owns or has direct control over those establishments. A manufacturer of malt beverages who also holds a first-class restaurant or cabaret license may serve to a customer malt beverage by the glass, not to exceed eight glasses at one time and not to exceed four ounces in each glass. The Liquor Control Board may grant to a licensed manufacturer or a rectifier of malt beverages a second-class license permitting the licensee to sell alcoholic beverages to the public anywhere on the manufacturer's or rectifier's premises. A licensed manufacturer or rectifier of vinous beverages may serve, with or without charge, at an event held on premises of the licensee or the vineyard property, spirits and vinous and malt beverages, provided the licensee gives the Department written notice of the event, including details required by the Department, at least five days before the event. Any beverages not manufactured by the licensee and served at the event shall be purchased on invoice from a licensed manufacturer or wholesale dealer or Liquor Control Board.

(17) "Restaurant": a space in a suitable building, approved by the Liquor Control Board, occupied, used, maintained, advertised, or held out to the public to be a place where food is served at all times when open for business and there are no sleeping accommodations. The space shall have adequate and sanitary kitchen and dining room capacity and the number and kinds of employees for preparing, cooking, and serving suitable food for guests and patrons as required by the Liquor Control Board.

(18) "Retail dealer": any person who sells or distributes malt or vinous beverages to the public.

(19) "Second-class license": a license granted by the control commissioners permitting the licensee to export malt or vinous beverages and to sell malt or vinous beverages to the public for consumption off the premises for which the license is granted.

(22) "Third-class license": a license granted by the Liquor Control Board permitting the licensee to sell spirituous liquors for consumption only on the premises for which the license is granted.

(25) "Wholesale dealer's license": the license granted by the Liquor Control Board permitting the wholesale dealer to sell or distribute malt or vinous beverages as a wholesale dealer.

(27) "Special events permit": a permit granted by the Liquor Control Board permitting a person holding a manufacturer's or rectifier's license to sell by the glass or by unopened bottle spirits, malt, or vinous beverages manufactured or rectified by the license holder at an event open to the public that has been approved by the local licensing authority. For the purposes of tasting only, the permit holder may distribute, with or without charge, beverages manufactured by the permit holder by the glass no more than two ounces per product and eight ounces total of malt or vinous beverages and no more than one ounce in total of spirits to each individual. No more than 36 special events permits may be issued to a holder of a manufacturer's or rectifier's license during a year. A special event permit shall be valid for the duration of each public event or four days, whichever is shorter. Requests for a special events permit, accompanied by the fee as required by subdivision 231(13) of this title, shall be submitted to the Department of Liquor Control at least five days prior to the date of the event. Each manufacturer or rectifier planning to attend a single special event under this permit may be listed on a single permit. However, each attendance at a special event shall count toward the manufacturer's or rectifier's 36 special-event-permit limitation.

(28) "Fourth-class license" or "farmers' market license": the license granted by the Liquor Control Board permitting a manufacturer or rectifier of malt or vinous beverages or spirits to sell by the unopened container and distribute, by the glass with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth-class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth-class license location, a manufacturer or rectifier of vinous beverages, malt beverages, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, or spirits produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. A manufacturer or rectifier of vinous beverages, malt beverages, or spirits may sell its product to no more than five additional manufacturers or rectifiers. A fourth-class licensee may distribute by the glass no more than two ounces of malt or vinous beverage with a total of eight ounces to each retail customer and no more than one-quarter ounce of spirits with a total of one ounce to each retail customer for consumption on the manufacturer's premises or at a farmers' market. A farmers' market license is valid for all dates of operation for a specific farmers' market location.

(29) "Festival permit": a permit granted by the Liquor Control Board permitting a person to conduct an event at which malt or vinous beverages, or both, are sold by the glass to the public, provided the event is approved by the local licensing authority. A festival permit holder may purchase invoiced volumes of

malt or vinous beverages directly from a manufacturer or bottler, provided the manufacturer or bottler either holds a federal Basic Permit or a Brewers Notice or evidence of licensure in a foreign country, satisfactory to the Board, whichever applies. The invoiced volumes of malt or vinous beverages may be transported to the site and sold by the glass to the public by the permit holder or its employees and volunteers only during the event. A festival permit holder shall be subject to the provisions of this chapter, including section 240 of this title, and the rules of the Board regarding the sale of the alcoholic beverages and shall pay the tax on the malt or vinous beverages as required by section 421 of this title. A person shall not be granted a festival permit more than four times in one year, and each permit shall be valid for no more than four consecutive days. A request for a festival permit shall be submitted to the Department in a form required by the Department at least 15 days prior to the festival and shall be accompanied by a permit fee as required by subdivision 231(14) of this title to be paid to the Department.

(32) "Art gallery or bookstore permit": a permit granted by the Liquor Control Board permitting an art gallery or bookstore to conduct an event at which malt or vinous beverages or both are served by the glass to the public, provided that the event is approved by the local licensing authority. A permit holder may purchase malt or vinous beverages directly from a licensed retailer. A permit holder shall be subject to the provisions of this title and the rules of the Board regarding the service of alcoholic beverages. A request for a permit shall be submitted to the Department in a form required by the Department at least five days prior to the event and shall be accompanied by the permit fee required by subdivision 231(a)(22) of this title. As used in this section, "art gallery" means a fixed establishment whose purpose is to exhibit or offer for sale works of art; and "bookstore" means a fixed establishment whose primary purpose is to offer books for sale.

(33) "Commercial catering license": A license granted by the board permitting a business licensed by the Department of Health as a commercial caterer and having a commercial kitchen facility in the home or place of business to sell malt, vinous, or spirituous liquors at a function previously approved by the local licensing authority.

First class kitchen license: A license that must accompany the Commercial catering license to serve malt and vinous at a function previously approved by the local licensing authority.

Third class kitchen license: A license that must accompany the Commercial catering license to serve spirituous liquors at a function previously approved by the local licensing authority.

(34) "Request to cater permit": a permit granted by the Liquor Control Board authorizing a first or first- and third-class licensed caterer or commercial caterer to cater individual events.

(35) "Industrial alcohol distributors license": a license granted by the Liquor Control Board that allows holders to sell pure ethyl or grain alcohol of at least 190 proof in quantities of five gallons or more directly to manufacturers, industrial users, hospitals, druggists, and institutions of learning. Alcohol sold under the industrial alcohol distributors license may only be used for manufacturing, mechanical, medicinal, and scientific purposes.

(36) "Outside consumption permit": a permit granted by the Liquor Control Board allowing a first-class or first- and third-class license holder and fourth-class license holder to allow for consumption of alcohol in a delineated outside area.

Certificate of Approval Malt & Vinous

§ 301. Distribution of malt or vinous beverages; certificate of approval

The liquor control board may grant to a manufacturer or distributor of malt and vinous beverages, not licensed under the provisions of this title, a certificate of approval which authorizes the manufacturer or distributor to sell or export such beverages either to holders of bottlers' or wholesale dealers' licenses issued by the board under the provisions of section 226 or 227 of this title. (Amended 2009, No. 102 (Adj. Sess.), § 7a, eff. May 11, 2010.)

Vinous and Malt Direct Sales by Manufacturer to individuals and retailers:

Direct Ship to Consumers or Retailers (a) A manufacturer or rectifier of vinous beverages or malt beverages licensed in Vermont may be granted an in-state consumer shipping license by filing with the Department of Liquor Control an application in a form required by the Department accompanied by a copy of the applicant's current Vermont manufacturer's license and the fee as required by subdivision 231(a)(7)(A) of this title. This consumer shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(a)(7)(A) of this title accompanied by a copy of the licensee's current Vermont manufacturer's license.

(b) A manufacturer or rectifier of vinous beverages licensed or malt beverages in another state that operates a winery or brewery in the United States and holds valid state and federal permits and licenses may be granted an out-of-state consumer shipping license by filing with the Department of Liquor Control an application in a form required by the Department accompanied by copies of the applicant's current out-of-state manufacturer's license and the fee as required by subdivision 231(a)(7)(B) of this title. This consumer shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(a)(7)(B) of this title accompanied by the licensee's current out-of-state manufacturer's license. For the purposes of this subsection and subsection (c) of this section, "out-of-state" means any state other than Vermont, any territory or possession of the United States, and does not include a foreign country.

(c) A manufacturer or rectifier of vinous beverages that is licensed in-state or out-of-state and holds valid 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- or second-class licensees and deliver

the beverages by common carrier, 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- or 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.

Wine/Malt Tasting Permit-Second Class Licensees:

- (1) A second-class licensee. The permit authorizes the employees of the permit holder to dispense to retail customers of legal age on the licensee's premises vinous or malt beverages by the glass not to exceed two ounces of each vinous or malt beverage with a total of eight ounces of vinous or malt beverages. Vinous or malt beverages for the tasting shall be from the inventory of the licensee or purchased from a wholesale dealer. Pursuant to this permit, a second-class licensee may conduct no more than 48 tastings a year. In addition to the 48 tastings, a second-class licensee may conduct no more than five beverage tastings per week provided the tastings are conducted as part of an educational food preparation class or course conducted by the licensee on the licensee's premises and provided the licensee has acquired a permit for each tasting.

Manufacturers wine/malt tasting permit:

- (2) A licensed manufacturer or rectifier of vinous or malt beverages. The permit authorizes the permit holder to dispense to retail customers of legal age for consumption on the premises of a second-class licensee beverages produced by the manufacturer or rectifier by the glass not to exceed two ounces of each beverage with a total of eight ounces of vinous or malt beverages. A manufacturer or rectifier may conduct no more than 48 tastings per year.

Wholesale Dealer Wine/Malt Tasting Permit

(2) A holder of a wholesale dealer's license may dispense vinous or malt beverages for promotional purposes at the wholesale dealer's premises without charge to invited employees of first-, second-, and third-class licensees, provided the invited employees are of legal drinking age, and the wholesale dealer obtains a permit pursuant to subsection (a) of this section.

(3) At the request of a holder of a wholesale dealer's license, a first-class licensee may dispense malt or vinous beverages for promotional purposes without charge to invited management and staff of first-, second-, or third-class licensees, provided they are of legal drinking age. The event shall be held on the premises of the first-class licensee. The first-class licensee shall be responsible for complying with all applicable laws under this title. No permit is required under this subdivision, but the wholesale dealer shall provide written notice of the event to the Department of Liquor Control at least 10 days prior to the date of the 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.

Railroad Tasting Permit(b) The liquor control board may grant to a person that operates a railroad a tasting permit that permits the holder to conduct tastings of Vermont-produced alcoholic beverages in the dining car, provided the person files with the department an application along with the permit fee required pursuant to subdivision 231(a)(21) of this title. (Amended 2009, No. 102 (Adj. Sess.), § 5, eff. May 11, 2010.)

Solicitor's Permit

§ 361. Granting of license; solicitation of orders

The Liquor Control Board may grant to a natural person a solicitor's license, which shall authorize such person to solicit orders for and promote the sale of malt or vinous beverages by canvassing or interviewing holders of licenses issued under the provisions of this title. (Amended 2013, No. 72, § 27.)

Wine Storage Facility License

The liquor control board may grant to a person who operates a climate-controlled storage facility in which vinous beverages owned by another person are stored for a fee a license that allows the licensee to store and transport vinous beverages on which all applicable taxes already have been paid. A vinous beverage storage facility may also accept shipments from any licensed in-state or out-of-state vinous manufacturer that has an in-state or out-of-state consumer shipping license pursuant to section 66 of this title. Vinous beverages stored may be transported only for shipment to the owner of the beverages or to another licensed vinous beverage storage facility, and the beverages shall be shipped only by common carrier in compliance with subsection 66(f) of this title. The licensee shall pay a fee pursuant to subdivision 231(a)(20) of this title. A license under this section shall be issued pursuant to rules adopted by the board. A person granted a license pursuant to this section may not sell or resell any vinous beverages stored at the storage facility. (Added 2007, No. 151 (Adj. Sess.), § 1, eff. May 19, 2008.)

First and Third class Boat License

First and Third class Dining License

- **§ 228. Dining cars and boats; first or third class license; purchase of liquors outside state; promotional railroad tasting permit**

(a) The liquor control board may grant to a person that operates a boat or dining car engaged in interstate commerce a license of the first class or third class upon the application and payment of the license fee as provided in section 231 of this title. A person that operates a dining car or boat engaged in interstate commerce may procure spirituous liquors outside the state of Vermont.

(9) "Dining car": a railroad car on which meals are prepared and served.

Tobacco License

§ 1002. License required; application; fee; issuance

(a) No person shall engage in the retail sale of tobacco products, tobacco substitutes, or tobacco paraphernalia or provide a vending machine for their sale in his or her place of business without a tobacco license obtained from the Department of Liquor Control. Tobacco licenses shall expire midnight, April 30, of each year.

(b) The Board shall prepare and issue tobacco license forms and applications. These shall be incorporated into the liquor license forms and applications prepared and issued under this title. The licenses issued under this section shall be entitled "LIQUOR LICENSE," "LIQUOR-TOBACCO LICENSE" or "TOBACCO LICENSE," as applicable. The Board shall also provide simple instructions for licensees designed to assist them in complying with the provisions of this chapter.

Casino/Texas HoldEm Permit (FREE)

Title 13 section 51 Gambling and Lotteries section 2143 Non Profit Organizations. A permit to hold Casino/Texas HoldEm events at licensed establishments

Church Wine Permit (FREE)

§ 61. Restrictions; exceptions

A person, partnership, association, or corporation shall not furnish or sell, or expose or keep with intent to sell, any malt or vinous beverage, or spirits, or manufacture, sell, barter, transport, import, export, deliver, prescribe, furnish, or possess any alcohol, except as authorized by this title. However, this chapter shall not apply to the furnishing of such beverages or spirits by a person in his or her private dwelling unless such dwelling becomes a place of public resort, nor to the sale of fermented cider by the barrel or cask of not less than 32 liquid gallons capacity,

provided the same is delivered and removed from the vendor's premises in such barrel or cask at the time of such sale, nor to the use of sacramental wine, nor to the furnishing, purchase, sale, barter, transportation, importation, exportation, delivery, prescription, or possession of alcohol for manufacturing, mechanical, medicinal, and scientific purposes, provided the same is done under and in accordance with rules and regulations made and licenses and permits issued by the Liquor Control Board as hereinafter provided. (Amended 2013, No. 72, § 23.)

Purchase Alcohol Permit (FREE) Alcohol regulations, a permit to purchase pure ethyl or grain alcohol for the purposes of manufacturing mechanical medicinal or scientific purposes.