

1 Introduced by
2 Referred to Committee on
3 Date:
4 Subject: Alcoholic beverages
5 Statement of purpose of bill as introduced: This bill proposes to make
6 technical amendments to Title 7 to improve its clarity through the
7 modernization of its language and the reorganization of its provisions. In
8 addition, this draft bill identifies sections of Title 7 that may require
9 amendment in order to remove out-of-date and obsolete provisions or to reflect
10 more accurately the current practices and procedures of the Department of
11 Liquor Control and the Liquor Control Board.

12 An act relating to modernizing and reorganizing Title 7

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

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

15 § 1. CONSTRUCTION

16 This title is based on the taxing power and the police power of the ~~state~~
17 State, and is for the protection of the public welfare, good order, health, peace,
18 safety, and morals of the people of the ~~state~~, and all of its State. The
19 provisions of this title shall be liberally construed ~~for the accomplishment of~~
20 the to accomplish its purposes set forth herein.

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

2 § 2. DEFINITIONS

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

5 (1) “Alcohol”~~;~~ means ~~the product of distillation of spirits or any~~
6 ~~fermented malt or vinous beverage, fermentation, or chemical synthesis,~~
7 including alcoholic beverages, ethyl alcohol, and nonpotable alcohol.

8 (2) “Alcoholic beverages” means malt beverages, vinous beverages,
9 spirits, and fortified wines.

10 (3) “Boat”~~;~~ means a vessel suitably equipped and operated for the
11 transportation of passengers in interstate commerce.

12 (3) ~~“Bottler”~~;~~ means any person that bottles malt beverages, vinous~~
13 ~~beverages, spirits, or fortified wines for sale or for distribution in this State.~~

14 (4) ~~“Bottler’s license”~~;~~ the license granted by the Liquor Control Board~~
15 ~~permitting a bottler to bottle for sale and to distribute and sell at wholesale~~
16 ~~malt or vinous beverages.~~

17 (5) ~~[Repealed.]~~

18 (6)(4) “Caterer’s license”~~;~~ means a license issued by the Liquor Control
19 Board authorizing the holder of a first-class license or first- and third-class
20 licenses ~~for a restaurant or hotel premises~~ to serve malt or vinous beverages,
21 spirits, or fortified wines at a function located on premises other than those

1 occupied by a first-, first- and third-, or second-class licensee to sell alcoholic
2 beverages.

3 (~~7~~)(5) “Club”: means an unincorporated association or a corporation
4 authorized to do business in this State, that has been in existence for at least
5 two consecutive years prior to the date of application for a license under this
6 title and owns, hires, or leases a building or space in a building that is suitable
7 and adequate for the reasonable and comfortable use and accommodation of its
8 members and their guests and contains suitable and adequate kitchen and
9 dining room space and equipment implements and facilities. ~~A club may be~~
10 ~~used or leased by a nonmember as a location for a social event as if it were any~~
11 ~~other licensed commercial establishment. Such club shall file with the Liquor~~
12 ~~Control Board, before May 1 of each year, a list of the names and residences of~~
13 ~~its members and a list of its officers. Its affairs and management shall be~~
14 ~~conducted by a board of directors, executive committee, or similar body~~
15 ~~chosen by the members at its annual meeting, and no member or any officer,~~
16 ~~agent, or employee of the club shall be paid, or directly or indirectly receive, in~~
17 ~~the form of salary or other compensation, any profits from the disposition or~~
18 ~~sale of alcoholic liquors to the members of the club or its guests introduced by~~
19 ~~members beyond the amount of such salary as may be fixed and voted at~~
20 ~~annual meetings by the members or by its directors or other governing body,~~
21 ~~and as reported by the club to the Liquor Control Board. An auxiliary member~~

1 ~~of a club may invite one guest at any one time. An officer or director of a club~~
2 ~~may perform the duties of a bartender without receiving any payment for that~~
3 ~~service, provided the officer or director is in compliance with the requirements~~
4 ~~of this title that relate to service of alcoholic beverages. An officer, member,~~
5 ~~or director of a club may volunteer to perform services at the club other than~~
6 ~~serving alcoholic beverages, including seating patrons and checking~~
7 ~~identification, without receiving payment for those services. An officer,~~
8 ~~member, or director of a club who volunteers his or her services shall not be~~
9 ~~considered to be an employee of the club. A bona fide unincorporated~~
10 association or corporation whose officers and members consist solely of
11 veterans of the U.S. Armed Forces or a subordinate lodge or local chapter of
12 any national fraternal order, and which fulfills all requirements of ~~this~~
13 ~~subdivision~~ section 229 of this title, except that it has not been in existence for
14 at least two years, shall come within the terms of this definition six months
15 after the completion of its organization. ~~A club located on and integrally~~
16 ~~associated with at least a regulation nine hole golf course need only be in~~
17 ~~existence for six months prior to the date of application for license under this~~
18 ~~title.~~

19 (8)(6) “Commercial catering license” means a license granted by the
20 Liquor Control Board permitting a business licensed by the Department of
21 Health as a commercial caterer and having a commercial kitchen facility in the

1 home or place of business to sell malt beverages, vinous beverages, spirits, or
2 fortified wines at a function previously approved by the local control
3 commissioners.

4 (7) “Commissioner of Liquor Control” means the executive officer of
5 the Liquor Control Board appointed under the provisions of chapter 5 of this
6 title.

7 (8) “Control commissioners” means the commissioners of a
8 municipality appointed under section 166 of this title.

9 (9) “Destination resort master license” means a license granted by the
10 Liquor Control Board pursuant to section 472 of this title permitting a
11 destination resort to designate licensed caterers and commercial caterers that
12 will be permitted to cater individual events within the boundaries of the resort
13 without being required to obtain a request to cater permit for each individual
14 event. For purposes of a destination resort master license, a “destination
15 resort” is a resort that contains at least 100 acres of land, offers at least 50 units
16 of sleeping accommodations, offers meal and beverage service to the public for
17 consideration, and has related sports and recreational facilities for the
18 convenience or enjoyment of its guests. “Destination resort” does not include
19 the University of Vermont, the Vermont State Colleges, or any other
20 university, college, or postsecondary school.

1 ~~(9)~~(10) “Dining car” means a railroad car on which meals are prepared
2 and served.

3 (11) “Festival permit” means a permit granted by the Department of
4 Liquor Control permitting a person to conduct an event at which malt or vinous
5 beverages, or both, are sold by the glass to the public, provided the event is
6 approved by the local control commissioners.

7 ~~(10)~~(12) “First-class license” means a license granted by the control
8 commissioners permitting the licensee to sell malt or vinous beverages to the
9 public for consumption only on the premises for which the license is granted.

10 (13) “Fortified wine permit” means a permit granted to a second-class
11 licensee that permits the licensee to export and sell fortified wines to the public
12 for consumption off the licensed premises.

13 (14) “Fortified wines” mean vinous beverages, including those to which
14 spirits have been added during manufacture, containing at least 16 percent
15 alcohol but no more than 23 percent alcohol by volume at 60 degrees
16 Fahrenheit, and all vermouths containing no more than 23 percent alcohol by
17 volume at 60 degrees Fahrenheit.

18 (15) “Fourth-class license” means a license permitting a licensed
19 manufacturer or rectifier to sell by the unopened container and distribute by the
20 glass, with or without charge, beverages manufactured by the licensee.

1 (16) “Home-fermented beverages” means malt or vinous beverages
2 produced at home and not for sale.

3 ~~(11)(17)~~ “Hotel” has the same meaning as in 32 V.S.A. § 9202(3) and as
4 determined by the Liquor Control Board. ~~A hotel that places a minibar in any~~
5 ~~room of a registered guest shall assure that the minibar is locked and that~~
6 ~~access to the minibar is restricted to guests of legal drinking age.~~

7 ~~(12) “Commissioner of Liquor Control”: the executive officer of the~~
8 ~~Liquor Control Board appointed under the provisions of this title.~~

9 (18) “Industrial alcohol distributor’s license” means a license granted by
10 the Liquor Control Board that allows holders to sell pure ethyl or grain alcohol
11 of at least 190 proof in quantities of five gallons or more directly to
12 manufacturers, industrial users, hospitals, druggists, and institutions of
13 learning.

14 (19) “Keg” means a reusable container capable of holding at least five
15 gallons of malt beverage or at least three gallons of vinous beverage.

16 *[Proposed for amendment to reflect increasing use of vinous beverage kegs*
17 *and tap systems and to bring the Vermont statutes in line with Board’s rules*
18 *for the refillable container program, which includes both malt and vinous*
19 *beverages.]*

20 (20) “Legal age” means 21 years of age or older.

1 ~~(13)~~(21) “Liquor Control Board”; means the ~~Board~~ board of ~~Control~~
2 control appointed under the provisions of chapter 5 of this title.

3 ~~(14)~~(22) “Malt beverages”; means all fermented beverages of any name
4 or description manufactured for sale from malt, wholly or in part, or from any
5 substitute therefor, known as, among other things, beer, ~~porter~~, ale, and or ~~stout~~
6 lager, containing not less than one percent nor more than 16 percent of alcohol
7 by volume at 60 degrees Fahrenheit. ~~However, if such a beverage has an~~
8 ~~alcohol content of more than six percent and has a terminal specific gravity of~~
9 ~~less than 1.009, it shall be deemed to be a spirit and not a malt beverage. The~~
10 ~~holder of the certificate of approval or the manufacturer shall certify to the~~
11 ~~Liquor Control Board the terminal specific gravity of the beverage when the~~
12 ~~alcohol content is more than six percent.~~ *[Proposed for amendment to reflect*
13 *Department’s existing practice.]*

14 ~~(15)~~(23) “Manufacturer’s or rectifier’s license”; means a license granted
15 by the Liquor Control Board that permits the holder to manufacture or rectify
16 malt beverages, or vinous beverages and fortified wines, or spirits and fortified
17 wines. ~~Spirits and fortified wines may be manufactured or rectified by a~~
18 ~~license holder for export and sale to the Liquor Control Board, and malt~~
19 ~~beverages and vinous beverages may be manufactured or rectified by a license~~
20 ~~holder for export and sale to bottlers or wholesale dealers. This license permits~~
21 ~~a manufacturer of vinous beverages or fortified wines to receive from another~~

1 ~~manufacturer licensed in or outside this State bulk shipments of vinous~~
2 ~~beverages to rectify with the licensee's own product, provided that the vinous~~
3 ~~beverages or fortified wines produced by a Vermont manufacturer may contain~~
4 ~~no more than 25 percent imported vinous beverage. The Liquor Control Board~~
5 ~~may grant to a licensed manufacturer or rectifier of spirits, fortified wines,~~
6 ~~vinous beverages, or malt beverages a first class license or a first and a~~
7 ~~third class license permitting the licensee to sell alcoholic beverages to the~~
8 ~~public only at the manufacturer's premises which for the purposes of a~~
9 ~~manufacturer of malt beverages, includes up to two licensed establishments~~
10 ~~that are located on the contiguous real estate of the holder of the~~
11 ~~manufacturer's license, provided the manufacturer or rectifier owns or has~~
12 ~~direct control over those establishments. The Liquor Control Board may grant~~
13 ~~to a licensed manufacturer or a rectifier of malt beverages a second class~~
14 ~~license permitting the licensee to sell alcoholic beverages to the public~~
15 ~~anywhere on the manufacturer's or rectifier's premises. A licensed~~
16 ~~manufacturer or rectifier may serve, with or without charge, at an event held on~~
17 ~~the premises of the licensee or at a location on the contiguous real estate of the~~
18 ~~licensee, spirits, fortified wines, vinous beverages, and malt beverages,~~
19 ~~provided the licensee gives the Department written notice of the event,~~
20 ~~including details required by the Department, at least five days before the~~
21 ~~event. Any beverages not manufactured by the licensee and served at the event~~

1 ~~shall be purchased on invoice from a licensed manufacturer or wholesale~~
2 ~~dealer or the Liquor Control Board.~~

3 (24) “Minor” means an individual who has not attained 21 years of age.

4 (25) “Outside consumption permit” means a permit granted by the
5 Department of Liquor Control allowing the holder of a first-class, first- and
6 third-class, or fourth-class license to allow for consumption of alcoholic
7 beverages in a delineated outside area.

8 (26) “Packager’s license” means a license granted by the Liquor Control
9 Board permitting a person to bottle or otherwise package alcoholic beverages
10 for sale and to distribute and sell alcoholic beverages at wholesale in this State.

11 ~~(16)~~(27) “Person”, as applied to licensees, means an individual who is a
12 citizen or a lawful permanent resident of the United States; a partnership
13 composed of individuals, a majority of whom are citizens or lawful permanent
14 residents of the United States; a corporation organized under the laws of this
15 State or another state in which a majority of the directors are citizens or lawful
16 permanent residents of the United States; or a limited liability company
17 organized under the laws of this State or another state in which a majority of
18 the members or managers are citizens or lawful permanent residents of the
19 United States.

1 (28) “Request to cater permit” means a permit granted by the
2 Department of Liquor Control authorizing a licensed caterer or commercial
3 caterer to cater individual events.

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

11 ~~(18)~~(29) “Retail dealer”: means any person who sells or ~~distributes~~
12 furnishes malt or vinous beverages to the public.

13 (30) “Retail delivery permit” means a permit granted by the Department
14 of Liquor Control that permits a second-class licensee to deliver malt
15 beverages or vinous beverages sold from the licensed premises for
16 consumption off the premises to an individual who is at least 21 years of age at
17 a physical address in Vermont.

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

1 ~~(19)~~(32) “Second-class license” ~~means a license granted by the control~~
2 ~~commissioners~~ permitting the licensee to export malt beverages or vinous
3 beverages and to sell malt beverages or vinous beverages to the public for
4 consumption off the premises for which the license is granted. ~~The Liquor~~
5 ~~Control Board may grant a second-class licensee a fortified wine permit that~~
6 ~~permits the licensee to export and to sell fortified wines to the public for~~
7 ~~consumption off the licensed premises.~~

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

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

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

4 ~~(20)(36)~~ “Spirits” or ~~“spirituous liquors”~~: means beverages that contain
5 more than one percent of alcohol obtained by distillation, by chemical
6 synthesis, or through concentration by freezing; vinous beverages containing
7 more than 23 percent of alcohol; and malt beverages containing more than
8 16 percent of alcohol ~~or more than six percent of alcohol if the terminal~~
9 ~~specific gravity thereof is less than 1.009; in each case measured by volume at~~
10 60 degrees Fahrenheit. *[Proposed for amendment to reflect Department’s*
11 *existing practice]*

12 ~~(21)~~ ~~“Specialty beer”~~: ~~a malt beverage that contains more than eight~~
13 ~~percent alcohol and not more than 16 percent alcohol by volume at 60 degrees~~
14 ~~Fahrenheit.~~

15 ~~(22)(37)~~ “Third-class license”: means a license granted by the Liquor
16 Control Board permitting the licensee to sell spirits and fortified wines for
17 consumption only on the premises for which the license is granted.

18 ~~(23)(38)~~ “Vinous beverages”: means all fermented beverages of any
19 name or description manufactured or obtained for sale from the natural sugar
20 content of fruits or other agricultural product, containing sugar, the alcoholic

1 content of which is not less than one percent nor more than 16 percent by
2 volume at 60 degrees Fahrenheit.

3 ~~(24) “Wholesale dealer”: any person other than a bottler who buys malt
4 or vinous beverages for distribution to or resale to retail dealers or to agencies
5 of the United States.~~

6 ~~(25)~~(39) “Wholesale dealer’s license”: ~~the~~ means a license granted by
7 the Liquor Control Board permitting the ~~wholesale dealer~~ holder to sell or
8 distribute malt or vinous beverages ~~as a wholesale dealer~~ to first- and
9 second-class licensees, to educational sampling event permit holders, and to
10 agencies of the United States.

11 ~~(26) “Minor”: a person who has not attained the age of 21.~~

12 ~~(27) “Special events permit”: a permit granted by the Liquor Control
13 Board permitting a licensed manufacturer or rectifier to sell by the glass or by
14 unopened bottle spirits, fortified wines, malt beverages, or vinous beverages
15 manufactured or rectified by the license holder at an event open to the public
16 that has been approved by the local licensing authority. For the purposes of
17 tasting only, the permit holder may distribute, with or without charge,
18 beverages manufactured by the permit holder by the glass no more than two
19 ounces per product and eight ounces total of malt beverages or vinous
20 beverages and no more than one ounce in total of spirits or fortified wines to
21 each individual. No more than 104 special events permits may be issued to a~~

1 ~~licensed manufacturer or rectifier during a year. A special events permit shall~~
2 ~~be valid for the duration of each public event or four days, whichever is~~
3 ~~shorter. Requests for a special events permit, accompanied by the fee as~~
4 ~~required by subdivision 231(13) of this title, shall be submitted to the~~
5 ~~Department of Liquor Control at least five days prior to the date of the event.~~
6 ~~Each manufacturer or rectifier planning to attend a single special event under~~
7 ~~this permit may be listed on a single permit. However, each attendance at a~~
8 ~~special event shall count toward the manufacturer's or rectifier's annual limit~~
9 ~~of 104 special events permits.~~

10 ~~(28) "Fourth-class license" or "farmers' market license": the license~~
11 ~~granted by the Liquor Control Board permitting a licensed manufacturer or~~
12 ~~rectifier to sell by the unopened container and distribute by the glass with or~~
13 ~~without charge, beverages manufactured by the licensee. No more than a~~
14 ~~combined total of ten fourth-class and farmers' market licenses may be granted~~
15 ~~to a licensed manufacturer or rectifier. At only one fourth-class license~~
16 ~~location, a licensed manufacturer or rectifier may sell by the unopened~~
17 ~~container and distribute by the glass, with or without charge, vinous beverages,~~
18 ~~malt beverages, fortified wines, or spirits produced by no more than five~~
19 ~~additional manufacturers or rectifiers, provided these beverages are purchased~~
20 ~~on invoice from the manufacturer or rectifier. A manufacturer or rectifier may~~
21 ~~sell its product to no more than five additional manufacturers or rectifiers. A~~

1 ~~fourth class licensee may distribute by the glass no more than two ounces of~~
2 ~~malt beverages or vinous beverages with a total of eight ounces to each retail~~
3 ~~customer and no more than one quarter ounce of spirits or fortified wine with a~~
4 ~~total of one ounce to each retail customer for consumption on the~~
5 ~~manufacturer's premises or at a farmers' market. A fourth class licensee may~~
6 ~~distribute by the glass up to four mixed drinks containing a combined total of~~
7 ~~no more than one ounce of spirits or fortified wine to each retail customer for~~
8 ~~consumption only on the manufacturer's premises. A farmers' market license~~
9 ~~is valid for all dates of operation for a specific farmers' market location.~~

10 (29) ~~“Festival permit”: a permit granted by the Liquor Control Board~~
11 ~~permitting a person to conduct an event at which malt or vinous beverages, or~~
12 ~~both, are sold by the glass to the public, provided the event is approved by the~~
13 ~~local licensing authority. A festival permit holder may purchase invoiced~~
14 ~~volumes of malt or vinous beverages directly from a manufacturer or bottler,~~
15 ~~provided the manufacturer or bottler either holds a federal Basic Permit or a~~
16 ~~Brewers Notice or evidence of licensure in a foreign country, satisfactory to~~
17 ~~the Board, whichever applies. The invoiced volumes of malt or vinous~~
18 ~~beverages may be transported to the site and sold by the glass to the public by~~
19 ~~the permit holder or its employees and volunteers only during the event. A~~
20 ~~festival permit holder shall be subject to the provisions of this chapter,~~
21 ~~including section 240 of this title, and the rules of the Board regarding the sale~~

1 of the alcoholic beverages and shall pay the tax on the malt or vinous
2 beverages as required by section 421 of this title. A person shall not be
3 granted a festival permit more than four times in one year, and each permit
4 shall be valid for no more than four consecutive days. A request for a festival
5 permit shall be submitted to the Department in a form required by the
6 Department at least 15 days prior to the festival and shall be accompanied by a
7 permit fee as required by subdivision 231(a)(14) of this title to be paid to the
8 Department.

9 (30) ~~“Home fermented beverages”~~: malt or vinous beverages produced
10 at home and not for sale.

11 (31) ~~“Legal age”~~: 21 years of age or older.

12 (32) ~~“Art gallery or bookstore permit”~~: a permit granted by the Liquor
13 Control Board permitting an art gallery or bookstore to conduct an event at
14 which malt or vinous beverages or both are served by the glass to the public,
15 provided that the event is approved by the local licensing authority. A permit
16 holder may purchase malt or vinous beverages directly from a licensed retailer.
17 A permit holder shall be subject to the provisions of this title and the rules of
18 the Board regarding the service of alcoholic beverages. A request for a permit
19 shall be submitted to the Department in a form required by the Department at
20 least five days prior to the event and shall be accompanied by the permit fee
21 required by subdivision 231(a)(22) of this title. As used in this section, “art

1 ~~gallery” means a fixed establishment whose primary purpose is to exhibit or~~
2 ~~offer for sale works of art; and “bookstore” means a fixed establishment whose~~
3 ~~primary purpose is to offer books for sale.~~

4 ~~(33) “Commercial catering license”: A license granted by the Board~~
5 ~~permitting a business licensed by the Department of Health as a commercial~~
6 ~~eaterer and having a commercial kitchen facility in the home or place of~~
7 ~~business to sell malt beverages, vinous beverages, spirits, or fortified wines at a~~
8 ~~function previously approved by the local licensing authority.~~

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

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

19 ~~(36) “Outside consumption permit”: a permit granted by the Liquor~~
20 ~~Control Board allowing the holder of a first-class, first- and third-class, or~~

1 ~~fourth class license to allow for consumption of alcohol in a delineated outside~~
2 ~~area.~~

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

6 ~~(38) “Fortified wines”: vinous beverages, including those to which~~
7 ~~spirits have been added during manufacture, containing at least 16 percent~~
8 ~~alcohol but no more than 23 percent alcohol by volume at 60 degrees~~
9 ~~Fahrenheit, and all vermouths containing no more than 23 percent alcohol by~~
10 ~~volume at 60 degrees Fahrenheit.~~

11 ~~(39) “Public library or museum permit”: a permit granted by the Liquor~~
12 ~~Control Board permitting a public library or museum to serve malt beverages~~
13 ~~or vinous beverages, or both, by the glass to the public for a period of not more~~
14 ~~than six hours during an event held for a charitable or educational purpose,~~
15 ~~provided that the event is approved by the local licensing authority. A permit~~
16 ~~holder may purchase malt beverages or vinous beverages directly from a~~
17 ~~licensed retailer. A permit holder shall be subject to the provisions of this title~~
18 ~~and the rules of the Board regarding the service of alcoholic beverages. A~~
19 ~~request for a permit shall be submitted to the Department in a form required by~~
20 ~~the Department at least five days prior to the event and shall be accompanied~~
21 ~~by the permit fee required by subdivision 231(a)(24) of this title. As used in~~

1 this section, ~~“public library” has the same meaning as in 22 V.S.A. § 101 and~~
2 ~~“museum” has the same meaning as in 27 V.S.A. § 1151.~~

3 (40) ~~“Retail delivery permit”: a permit granted by the Liquor Control~~
4 ~~Board that permits a second class licensee to deliver malt beverages or vinous~~
5 ~~beverages sold from the licensed premises for consumption off the premises to~~
6 ~~an individual who is at least 21 years of age at a physical address in Vermont.~~

7 (41) ~~“Destination resort master license”: a license granted by the Liquor~~
8 ~~Control Board pursuant to section 472 of this title permitting a destination~~
9 ~~resort to designate licensed caterers and commercial caterers that will be~~
10 ~~permitted to cater individual events within the boundaries of the resort without~~
11 ~~being required to obtain a request to cater permit for each individual event.~~
12 ~~For purposes of a destination resort master license, a “destination resort” is a~~
13 ~~resort that contains at least 100 acres of land, offers at least 50 units of sleeping~~
14 ~~accommodations, offers food and beverage service to the public for~~
15 ~~consideration, and has related sports and recreational facilities for the~~
16 ~~convenience or enjoyment of its guests. “Destination resort” does not include~~
17 ~~the University of Vermont, the Vermont State Colleges, or any other~~
18 ~~university, college, or postsecondary school.~~

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

2 § 3. CULINARY ARTS STUDENTS; EXEMPTIONS FROM PROVISIONS
3 OF TITLE

4 A student ~~aged~~ 18 years of age or older who is enrolled in a postsecondary
5 education culinary arts program, accredited by a commission recognized by the
6 U.S. Department of Education, shall be exempt from the provisions of this title
7 while attending classes that require the possession or consumption of alcoholic
8 beverages.

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

10 § 4. NONPROFIT ORGANIZATIONS; WINE AND BEER AUCTIONS;
11 FUNDRAISING

12 (a) A nonprofit organization qualified for tax exempt status pursuant to
13 Section 501(c) of the federal Internal Revenue Code, as amended, in the
14 discretion of the ~~commissioner~~ Commissioner, may auction vinous or malt
15 beverages, or both, to the public without a license, provided that:

16 (1) Prior to the auction, the organization provides written notification of
17 the auction accompanied by documentation of its nonprofit status satisfactory
18 to the ~~commissioner~~ Commissioner.

19 (2) The ~~commissioner~~ Commissioner approves the organization's
20 nonprofit qualifications and the organization's ~~right~~ proposal to auction vinous
21 or malt beverages.

1 ~~(b) However~~ Notwithstanding subsection (a) of this section, this chapter
2 shall not apply to:

3 (1) the furnishing of such alcoholic beverages or spirits by a person an
4 individual in his or her private dwelling unless ~~such~~ the dwelling becomes a
5 place of public resort, ~~nor to the sale of fermented cider by the barrel or cask of~~
6 ~~not less than 32 liquid gallons capacity, provided the same is delivered and~~
7 ~~removed from the vendor's premises in such barrel or cask at the time of such~~
8 ~~sale, nor to~~ *[The provision regarding sales of cider is proposed for repeal*
9 *because it may be obsolete. The Department indicated that it is not aware of*
10 *an instance in which it was used]*;

11 (2) the use of sacramental wine, nor to; or

12 (3) the furnishing, purchase, sale, barter, transportation, importation,
13 exportation, delivery, prescription, or possession of alcohol for manufacturing,
14 mechanical, medicinal, and scientific purposes, provided the same is done
15 under and in accordance with the rules and regulations made of the Liquor
16 Control Board and licenses and permits issued by the Liquor Control Board or
17 Department of Liquor Control as hereinafter provided in this title.

18 Sec. 7. 7 V.S.A. § 62 is amended to read:

19 § 62. HOURS OF SALE

20 ~~(a) Holders of first- or first- and third-class licenses~~ First- or first- and
21 third-class licensees, or festival, special event, or educational sampling event

1 ~~permit holders~~ may sell ~~malt and vinous beverages or spirits and fortified~~
2 ~~wines~~ alcoholic beverages between the hours of 8:00 a.m. and 2:00 a.m. the
3 next morning.

4 (b)(1) ~~Holders of second-class licenses~~ Second-class licensees may sell
5 malt and vinous beverages between the hours of 6:00 a.m. and 12:00 ~~a.m. the~~
6 ~~next morning~~ midnight.

7 (2) Fourth-class licensees may sell or furnish alcoholic beverages
8 between the hours of 6:00 a.m. and 12:00 midnight.

9 * * *

10 Sec. 8. 7 V.S.A. § 63 is amended to read:

11 § 63. IMPORTATION OR TRANSPORTATION OF LIQUORS ALCOHOL;
12 PROHIBITIONS; PERSONAL IMPORT LIMIT; PENALTY

13 (a)(1) All spirits and fortified wines imported or transported into this State
14 shall be imported or transported by and through the Liquor Control Board. A
15 person importing or transporting or causing to be imported or transported into
16 this State any spirits and fortified wines in violation of this section shall be
17 imprisoned not more than one year or fined not more than \$1,000.00, or both.

18 (2) ~~However~~ Notwithstanding subdivision (1) of this subsection, a
19 person may import or transport not more than eight quarts of spirits and
20 fortified wines into this State in his or her own private vehicle or in his or her
21 actual possession at the time of importation without a license or permit,

1 provided the beverages are not for resale. *[Proposed for amendment to*
2 *conform statute to existing practice.]*

3 (b)(1) Except as provided in sections ~~66 and 68~~ 277, 278, and 282 of this
4 title, all malt or vinous beverages, or both, imported or transported into this
5 State shall be imported or transported by and through a ~~wholesale dealer~~
6 ~~holding~~ the holder of a wholesale dealer's license issued by the Liquor Control
7 Board. A person importing or transporting or causing to be imported or
8 transported into this State any malt or vinous beverages, or both, in violation of
9 this section shall be imprisoned not more than one year or fined not more than
10 \$1,000.00, or both.

11 (2) ~~Provided, however~~ Notwithstanding subdivision (1) of this
12 subsection, a person may import or transport not more than six gallons of malt
13 or vinous beverages, or both, into this State in his or her own private vehicle or
14 in his or her actual possession at the time of importation without a license or
15 permit, ~~providing it is~~ provided the beverages are not for resale.

16 Sec. 9. 7 V.S.A. § 64 is amended to read:

17 § 64. SALE OF MALT BEVERAGES IN KEGS

18 (a) ~~As used in this section, "keg" means a reusable container capable of~~
19 ~~holding at least five gallons of malt beverage.~~

20 (b) A keg shall be sold by a ~~second-class~~ second-class licensee only under
21 the following conditions:

1 (1) The keg shall be tagged in a manner and with a label approved by
2 the ~~board~~ Liquor Control Board. The label shall be supplied and securely
3 affixed to the keg by the wholesale dealer, or in the case of a second-class
4 license issued for the premises of a licensed manufacturer, by the
5 manufacturer. *[Proposed for amendment to conform statute to existing*
6 *practice]*

7 (2) ~~A person~~ A purchaser shall exhibit ~~proper proof~~ a valid authorized
8 form of identification upon demand of a licensee or an agent of a licensee. If
9 the ~~person~~ purchaser fails to provide ~~such proof~~ a valid authorized form of
10 identification, the licensee shall be entitled to refuse to sell the keg to the
11 ~~person~~ individual. As used in this subsection, “~~proper proof~~ a valid authorized
12 form of identification” ~~means a photographic motor vehicle operator’s license,~~
13 ~~a liquor control photographic identification card, a valid passport, a United~~
14 ~~States military identification card or a photographic nondriver motor vehicle~~
15 ~~identification card obtained from the department of motor vehicles~~ has the
16 same meaning as in section 588 of this title. *[Proposed for amendment to*
17 *provide uniformity in identification requirements.]*

18 (3) The purchaser shall complete a form, provided by the ~~board~~ Board,
19 ~~which~~ that includes at least the name, address, and date of birth of the
20 purchaser as they appear on the purchaser’s ~~proper proof~~ valid authorized form
21 of identification and the identification number of the keg. The form shall also

1 include the provisions of this section and the penalties for a violation of ~~these~~
2 ~~provisions~~ this section. The licensee shall retain the form for 90 days after
3 return of the keg.

4 (4) The licensee shall collect a deposit of at least \$25.00 which shall be
5 returned to the purchaser upon return of the keg with the label intact.

6 ~~(e)~~(b) A licensee shall not:

7 (1) sell a keg without a legible label attached; or

8 (2) return a deposit on a keg ~~which~~ that is returned without the label
9 intact.

10 ~~(d)~~(c) Any person, other than ~~the~~ a wholesaler or manufacturer, who
11 intentionally removes or defaces the label attached to a keg shall be imprisoned
12 not more than two years or fined not more than \$1,000.00, or both.

13 Sec. 10. REPEALS

14 7 V.S.A. §§ 66 and 67 are repealed.

15 Sec. 11. 7 V.S.A. § 65 is redesignated and amended to read:

16 § ~~65~~ 66. HOME-FERMENTED MALT AND VINOUS BEVERAGES;
17 TASTING EVENT

18 (a) ~~A person~~ An individual of legal age may, without obtaining a license
19 under this title or paying ~~state~~ State taxes or fees, produce malt or vinous
20 beverages, or both, at home provided that the amount of home-fermented

1 beverages produced by that person does not exceed the quantities limitation in
2 26 U.S.C. §§ 5053 and 5042.

3 * * *

4 Sec. 12. 7 V.S.A. § 69 is redesignated and amended to read:

5 § ~~69~~ 67. POWDERED ALCOHOL PRODUCTS

6 (a) It shall be unlawful for a person to knowingly possess or sell a
7 powdered alcohol product.

8 (b) A person that knowingly ~~and unlawfully possessing~~ possesses a
9 powdered alcohol product shall be fined not more than \$500.00.

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

13 ~~(e)(d)~~ (d) As used in this section, “powdered alcohol product” means any
14 alcoholic powder that can be added to water or food.

15 Sec. 13. 7 V.S.A. chapter 5 is amended to read:

16 CHAPTER 5. DEPARTMENT OF LIQUOR CONTROL

17 * * *

18 § 103. MEETINGS

19 The Board shall ~~hold such meetings~~ meet as may be required for the
20 performance of its duties. The ~~times and places for such meetings~~ time and
21 place for each meeting shall be designated by the Chair of the Board. ~~Such~~

1 The Chair shall call a meeting upon the written request of any two members
2 ~~and~~ or upon the written request of the Governor.

3 § 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

4 The Board shall ~~have supervision and management of~~ supervise and
5 manage the sale of spirits and fortified wines within the State in accordance
6 with the provisions of this title, and through the Commissioner of Liquor
7 Control shall:

8 (1)(A) See that the laws relating to ~~intoxicating liquor~~ alcohol and ~~to the~~
9 ~~manufacture, sale, transportation, barter, furnishing, importation, exportation,~~
10 ~~delivery, prescription, and possession of malt and vinous beverages, spirits,~~
11 ~~fortified wines, and alcohol by licensees and others~~ alcoholic beverages are
12 enforced, using for that purpose ~~such~~ as much of the monies annually available
13 to the Liquor Control Board as may be necessary.

14 (B) ~~However, the~~ The Liquor Control Board and its agents and
15 ~~inspectors~~ investigators shall act in this respect in collaboration with sheriffs,
16 deputy sheriffs, constables, ~~officers~~ law enforcement officers certified as Level
17 II or Level III pursuant to 20 V.S.A. chapter 151, and members of village and
18 city police forces, control commissioners, the Attorney General, State's
19 Attorneys, and town and city grand jurors.

20 (C) When the Board acts to enforce any section of this title or any
21 administrative rule ~~or regulation~~ relating to sale to minors, its investigation on

1 the alleged violation shall be forwarded to the Attorney General or the
2 appropriate State's Attorney whether or not there is an administrative finding
3 of wrongdoing. Nothing in this section shall be deemed to affect the
4 responsibility or duties of ~~such~~ law enforcement officers or agencies with
5 respect to the enforcement of ~~such laws~~ the provisions of this title.

6 (D) The Commissioner or ~~his or her~~ designee is authorized to
7 prosecute administrative matters under this section and shall have the authority
8 to enter into direct negotiations with a licensee to reach a proposed resolution
9 or settlement of an alleged violation, subject to Board approval, or dismissal
10 with or without prejudice.

11 (2) Supervise the opening and operation of local agencies for the sale
12 and distribution of spirits and fortified wines.

13 (3) Locate ~~and~~, establish, and supervise the operation of a central liquor
14 agency warehouse for the purpose of supplying spirits and fortified wines to
15 local agencies established in accordance with this title and for the purpose of
16 selling spirits and fortified wines to licensees of the third-class and ~~druggists,~~
17 ~~and supervise the operation of such central liquor agency~~ fortified wine permit
18 holders.

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

1 § 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL

2 The Commissioner of Liquor Control shall:

3 (1) In towns that vote to permit the sale of spirits and fortified wines,
4 establish local agencies as the Liquor Control Board shall determine.

5 However, the ~~Liquor Control~~ Board shall not be obligated to establish an
6 agency in every town that votes to permit the sale of spirits and fortified wines.

7 * * *

8 (4) Supervise the quantities and qualities of spirits and fortified wines to
9 be kept as stock in local agencies and recommend rules subject to approval and
10 adoption by the Board regarding the filling of requisitions ~~therefor~~ for spirits
11 and fortified wines on the Commissioner of Liquor Control.

12 (5) Purchase ~~through the Commissioner of Buildings and General~~
13 ~~Services~~ spirits and fortified wines for and in behalf of the Liquor Control
14 Board; supervise their storage and distribution to local agencies, ~~druggists,~~
15 third-class licensees, and holders of fortified wine permits; and recommend
16 rules subject to approval and adoption by the Board regarding the sale and
17 delivery from the central ~~storage plant~~ liquor warehouse. *[Proposed for*
18 *amendment to reflect the Board and Commissioner's existing practice of*
19 *purchasing spirits and fortified wines directly rather than through the*
20 *Department of Buildings and General Services pursuant to 29 V.S.A. § 902.]*

21 * * *

1 § 108. ENFORCEMENT BY BOARD; REGULATIONS; FORMS AND
2 REPORTS

3 The ~~liquor control board~~ Liquor Control Board shall administer and enforce
4 the provisions of this title, and is authorized and empowered to ~~prescribe such~~
5 adopt rules and ~~regulations, including the issuing of~~ issue the necessary blanks,
6 forms, and reports, except reports to the ~~commissioner of taxes~~ Commissioner
7 of Taxes and to the ~~commissioner of public safety~~ Commissioner of Public
8 Safety, as may be necessary to carry out the provisions of this title.

9 § 109. AUDIT OF ACCOUNTS OF LIQUOR CONTROL BOARD

10 All accounts of the ~~liquor control board~~ Liquor Control Board shall be
11 audited annually by the ~~auditor of accounts~~ Auditor of Accounts and the
12 annual report of ~~such~~ the audit shall accompany the annual reports of ~~such~~
13 ~~liquor control board~~ the Liquor Control Board.

14 § 110. SPECIAL BRANDS; PURCHASE BY COMMISSIONER OF
15 LIQUOR CONTROL-

16 If ~~any~~ a person ~~shall desire~~ desires to purchase any class, variety, or brand
17 of spirits or fortified wine ~~which any~~ that a local agency or fortified wine
18 permit holder does not have in stock, the Commissioner of Liquor Control
19 shall order the ~~same through the Commissioner of Buildings and General~~
20 Services product upon the payment of a reasonable deposit by the purchaser in
21 ~~such~~ a proportion of the approximate cost of the order as ~~shall be~~ prescribed by

1 the ~~regulations~~ rules of the Liquor Control Board. *[Proposed for amendment to*
2 *reflect the Board and Commissioner's existing practice of purchasing spirits*
3 *and fortified wines directly]*

4 § 111. ~~VINOUS BEVERAGES MANUFACTURED IN VERMONT~~

5 ~~Vinous beverages manufactured in Vermont and bearing the Vermont seal~~
6 ~~of quality:~~

7 ~~(1) shall be sold in State-operated stores;~~

8 ~~(2) may be sold in contract agency stores and may be displayed with the~~
9 ~~spirits and fortified wines or with the vinous beverages, or both. [Repealed.]~~

10 *[Proposed for repeal as obsolete because the Vermont Seal of Quality program*
11 *has been discontinued]*

12 § 112. LIQUOR CONTROL ENTERPRISE FUND

13 The Liquor Control Enterprise Fund is hereby established. It shall consist
14 of all receipts from the sale of spirits, fortified wines, and other items by the
15 Liquor Control Board and Department of Liquor Control; fees paid to the
16 Department of Liquor Control for the benefit of the Department; all other
17 amounts received by the Department of Liquor Control for its benefit; and all
18 amounts that are from time to time appropriated to the Department of Liquor
19 Control.

1 Sec. 14. 7 V.S.A. chapter 7 is amended to read:

2 CHAPTER 7. MUNICIPAL CONTROL

3 § 161. LICENSES VOTED BY TOWN; TOWN MEETINGS; WARNING

4 (a) Upon petition of not less than five percent of the legal voters of any
5 town, filed with the town clerk in conformance with 17 V.S.A. § 2642, the
6 warning of the annual or special meeting shall contain an article providing for
7 a vote upon the following questions:

8 Shall licenses for the sale of malt and vinous beverages be granted in this
9 town?

10 Shall spirits and fortified wines be sold in this town?

11 The vote under ~~such~~ the article shall be by ballot in the following form:

12 Shall licenses for the sale of malt and vinous beverages be granted in this
13 town?

14 Yes _____ No _____

15 Shall spirits and fortified wines be sold in this town?

16 Yes _____ No _____

17 (b) Licenses and permits for the sale of malt and vinous beverages and
18 ~~spirit~~ spirits and fortified wines shall be issued according to the vote at the
19 annual town meeting held in March 1969 until a town votes otherwise.

1 § 162. REPORT

2 After any annual town meeting ~~wherein the~~ in which a town votes on the
3 questions set forth in section 161 of this title, the town clerk ~~of the town~~ shall
4 report promptly the results of the vote to the ~~liquor control board~~ Liquor
5 Control Board, upon forms furnished by the ~~board~~ Board.

6 § 163. BALLOTS; COLOR

7 (a) Whenever a petition is filed under section 161 of this title, the town
8 clerk shall print, at least two weeks before the annual or special meeting, ~~cause~~
9 blank ballots for the votes provided for in section 161 of this title ~~to be printed~~
10 in any color except yellow, ~~in such manner that each ballot can be easily~~
11 ~~detached, to the number of~~ . The ballots shall be printed in a quantity equal to
12 not less than one and one-tenth times the number of registered voters ~~qualified~~
13 ~~to vote~~ at the last preceding general election, as shown by the checklist.

14 (b) Upon each ~~such~~ ballot shall be endorsed the words: “OFFICIAL
15 BALLOT” followed by the name of the town in which it is to be used and the
16 date of the election. The town clerk is authorized to use regular ballots for the
17 requisite number of sample ballots by adding in type or print on the front
18 ~~thereof~~ of each ballot, the words: “SAMPLE BALLOT.”

19 § 164. DUTIES OF BALLOT CLERKS AND TOWN CLERKS

20 The board of civil authority, or the ballot clerks if directed by ~~them~~ the
21 board of civil authority, shall have charge of the ballots and perform the duties

1 imposed upon ballot clerks and assisting clerks and be subject to the penalties
2 imposed upon such officials by law. The town clerk shall perform the same
3 duties in respect to ~~such~~ the ballots as are imposed upon him or her by the
4 provisions of law governing general elections, except as otherwise provided.

5 § 165. HOURS OF OPENING

6 The box for the reception of ~~such~~ the ballots shall be opened at the hour the
7 meeting is called, and be closed when general voting ceases.

8 § 166. CONTROL COMMISSIONERS

9 There shall be control commissioners in each town and city. ~~Such~~ The
10 control commissioners shall be the selectboard members in each town and the
11 city council members in each city. The town and city clerks shall be recording
12 officers and clerks of the commissioners and be paid as ~~hereinafter~~ provided in
13 24 V.S.A. §§ 932 and 933.

14 § 167. DUTIES OF LOCAL CONTROL COMMISSIONERS

15 (a) The local control commissioners shall administer ~~such~~ the rules ~~and~~
16 ~~regulations, which shall be furnished to~~ them by the ~~liquor control board~~
17 Liquor Control Board, as ~~shall be~~ necessary to carry out the purposes of this
18 title. Except as provided in subsection (b) of this section, all applications for
19 and forms of licenses and permits, and applications therefor and all rules ~~and~~
20 ~~regulations~~ shall be prescribed by the ~~liquor control board~~ Liquor Control

1 Board, which shall prepare and issue ~~such~~ the applications, forms, and rules
2 ~~and regulations~~.

3 (b) If the municipality so votes at a meeting duly warned for that purpose,
4 the local control commissioners may, in the exercise of their authority under
5 ~~subdivision 222(1)~~ of this title, condition the issuance of licenses and permits
6 upon compliance, during the term of the license or permit, with any ordinance
7 regulating entertainment or public nuisances that has been duly adopted by the
8 municipality; ~~and~~ at a meeting duly warned for that purpose.

9 (c) The local control commissioners may, in the exercise of their authority
10 under section ~~236~~ 210 of this title, suspend or revoke a ~~liquor~~ license or permit
11 for a violation of any condition placed upon the issuance of a the license or
12 permit under subsection (b) of this section. ~~The local control commissioners~~
13 ~~shall give reasons for the suspension or revocation in writing and shall also~~
14 ~~state the duration of any suspension in writing~~.

15 § 168. UNORGANIZED PLACES, CONTROL COMMISSIONERS

16 In an unorganized town or gore, the supervisor shall be the control
17 commissioner for the administration of the ~~liquor control laws~~ rules necessary
18 to carry out the applicable provisions of this title. He or she may in his or her
19 discretion issue and approve the issuance of licenses and permits as he or she
20 finds will best serve the interests of the inhabitants ~~best served~~. The provisions

1 of sections 161–165,~~221 and 224~~ and 201 of this title, insofar as they relate to
2 voting, shall not apply to unorganized towns and gores.

3 Sec. 15. REDESIGNATION; ADDITION OF SUBCHAPTER

4 7 V.S.A. chapter 9, subchapter 1, which shall include §§ 201–214, is added
5 to read:

6 Subchapter 1. General Provisions

7 Sec. 16. REDESIGNATION; ADDITION OF SUBCHAPTER

8 7 V.S.A. chapter 9, subchapter 2, which shall include 7 V.S.A. §§ 221–228,
9 is added to read:

10 Subchapter 2. Retail Licenses and Permits

11 Sec. 17. REDESIGNATION; ADDITION OF SUBCHAPTER

12 7 V.S.A. chapter 9, subchapter 3, which shall include 7 V.S.A. §§ 241–243,
13 is added to read:

14 Subchapter 3. Catering Licenses and Permits

15 Sec. 18. REDESIGNATION; ADDITION OF SUBCHAPTER

16 7 V.S.A. chapter 9, subchapter 4, which shall include 7 V.S.A. §§ 251–258,
17 is added to read:

18 Subchapter 4. Tasting and Event Permits

19 Sec. 19. REDESIGNATION; ADDITION OF SUBCHAPTER

20 7 V.S.A. chapter 9, subchapter 5, which shall include 7 V.S.A. §§ 271–282,
21 is added to read:

1 Subchapter 5. Manufacturing and Distribution of Alcohol

2 Sec. 20. 7 V.S.A. § 221 is redesignated and amended to read:

3 § ~~224~~ 201. LICENSES CONTINGENT ON TOWN VOTE; ~~RESTRICTIONS~~
4 ~~AS TO DANCING PAVILIONS~~

5 Licenses of the first or second class shall not be granted by the control
6 commissioners or the Liquor Control Board to be exercised in any city or
7 town, the voters of which vote “No” ~~to the question: “Shall license be granted~~
8 ~~for the sale of malt and vinous beverages?”~~ on the question of whether to
9 permit the sale of malt beverages and vinous beverages pursuant to section 161
10 of this title. Licenses of the third class shall not be granted by the Liquor
11 Control Board to be exercised in any city or town, the voters of which vote
12 “No” ~~to the question: “Shall spirits and fortified wines be sold in this town?”~~
13 on the question of whether to sell fortified wines and spirits pursuant to section
14 161 of this title. ~~Licenses of the third class shall not be granted to any open air~~
15 ~~or wayside dancing pavilions.~~ *[Open air and wayside dancing pavilions*
16 *language is proposed for repeal as obsolete.]*

17 Sec. 21. 7 V.S.A. § 223 is redesignated and amended to read:

18 § ~~223~~ 202. LICENSES TO ENFORCEMENT OFFICER OR CONTROL
19 ~~BOARD MEMBER~~ COMMISSIONER; EXCEPTIONS

20 (a) No license of any class shall be granted to any enforcement officer or to
21 any person acting in the officer’s behalf.

1 (b) A member of a local control ~~board~~ commission to whom or in behalf of
2 whom a ~~first- or second-class~~ first- or second-class license was issued by that
3 ~~board~~ commission shall not participate in any control ~~board~~ commission action
4 regarding any ~~first- or second-class~~ first- or second-class license. If a majority
5 of the members of a local control ~~board~~ commission is unable to participate in
6 a control ~~board~~ commission action regarding any ~~first- or second-class~~ first- or
7 second-class license, that action shall be referred to the ~~state liquor control~~
8 ~~board~~ Liquor Control Board for investigation and action.

9 (c) An application for a ~~first- or second-class~~ first- or second-class license
10 by or in behalf of a member of the local control ~~board~~ commission or a
11 complaint or disciplinary action regarding a ~~first- or second-class~~ first- or
12 second-class license issued by a ~~board~~ commission on which any member is a
13 licensee shall be referred to the ~~state liquor control board~~ Liquor Control Board
14 for investigation and action.

15 Sec. 22. 7 V.S.A. § 230 is redesignated and amended to read:

16 § ~~230~~ 203. RESTRICTIONS; FINANCIAL INTERESTS; ~~DISPLAY OF~~
17 ~~LICENSE~~; EMPLOYEES

18 (a)(1) Except as provided in ~~subdivision 2(15)~~ section 271 of this title, a
19 ~~bottler packager~~, manufacturer, or rectifier licensed in Vermont or in another
20 state, a certificate of approval holder, or a wholesale dealer shall not have any
21 financial interest in the business of a first-, second-, or third-class ~~license~~

1 licensee, and a first-, second-, or third-class licensee may not have any
2 financial interest in the business of a ~~bottler~~ packager, manufacturer, or
3 rectifier licensed in Vermont or in another state, a certificate of approval
4 holder, or a wholesale dealer.

5 (2) However Notwithstanding subdivision (1) of this subsection and
6 except as otherwise provided in section 271 of this title, a manufacturer of malt
7 beverages may have a financial interest in the business of a first- or
8 second-class license, and a first- or second-class licensee may have a financial
9 interest in the business of a manufacturer of malt beverages, provided ~~a~~ the
10 first- or second-class licensee does not purchase, possess, or sell the malt
11 beverages produced by a manufacturer with which there is any financial
12 interest. ~~All licenses or permits granted under this title shall be conspicuously~~
13 ~~displayed on the premises for which the license or permit is granted.~~ Any
14 manufacturer of malt beverages that has a financial interest in a first- or
15 second-class licensee and any first- or second-class licensee that has a financial
16 interest in a manufacturer of malt beverages, as permitted under this ~~section~~
17 subdivision, shall provide to the Department of Liquor Control and the
18 applicable wholesale dealer written notification of that financial interest and
19 the licensees involved. A wholesale dealer shall not be in violation of this
20 section for delivering malt beverages to a first- or second-class licensee that is

1 prohibited from purchasing, possessing, or selling those malt beverages under
2 this section.

3 (b) An individual who is an employee of a wholesale dealer that does not
4 hold a solicitor's license may also be employed by a first- or second-class
5 licensee on a paid or voluntary basis, provided that the employee does not
6 exercise any control over, or participate in, the management of the first- or
7 second-class licensee's business or business decisions, and that ~~either~~ neither
8 employment relationship ~~does not result~~ results in the exclusion of any
9 competitor wholesale dealer or any brand of alcoholic beverages of a
10 competitor wholesale dealer.

11 Sec. 23. 7 V.S.A. § 231 is redesignated and amended to read:

12 § ~~231~~ 204. FEES FOR LICENSES AND PERMITS; DISPOSITION OF

13 FEES

14 (a) The following fees shall be paid:

15 (1) For a manufacturer's or rectifier's license to manufacture or rectify
16 malt beverages, or vinous beverages and fortified wines, or spirits and fortified
17 wines, \$285.00 for each license.

18 (2) For a ~~bottler's~~ packager's license, \$1,865.00.

19 (3) For a wholesale dealer's license, \$1,245.00 for each location.

20 (4) For a first-class license, \$230.00.

21 (5) For a second-class license, \$140.00.

- 1 (6) For a third-class license, \$1,095.00 for an annual license and
2 \$550.00 for a six-month license.
- 3 (7) For a shipping license for malt beverages or vinous beverages:
4 (A) In-state consumer shipping license, initial and renewal, \$330.00.
5 (B) Out-of-state consumer shipping license, initial and renewal,
6 \$330.00.
7 (C) ~~Retail~~ Vinous beverages retail shipping license, \$250.00.
- 8 (8)(A) For a caterer’s license, \$250.00.
9 (B) For a commercial catering license, \$220.00.
10 (C) For a request to cater permit, \$20.00.
- 11 (9) ~~[Repealed.]~~
12 ~~(10) [Repealed.]~~
13 ~~(11)~~ For up to ten fourth-class licenses, \$70.00.
14 ~~(12)~~(10) For an industrial alcohol ~~distributors~~ distributor’s license,
15 \$220.00.
16 ~~(13)~~(11) For a special events permit, \$35.00.
17 ~~(14)~~(12) For a festival permit, \$125.00.
18 ~~(15)~~(13) For ~~a wine~~ an alcoholic beverages tasting permit, \$25.00.
19 ~~(16)~~(14) For an educational sampling event permit, \$250.00.
20 ~~(17)~~(15) For an outside consumption permit, \$20.00.

1 ~~(18)~~(16) For a certificate of approval:

2 (A) For malt beverages, \$2,485.00.

3 (B) For vinous beverages, \$985.00.

4 ~~(19)~~(17) For a solicitor’s license, \$70.00.

5 ~~(20)~~(18) For a vinous beverages storage license, \$235.00.

6 ~~(21)~~(19) For a promotional railroad tasting permit ~~for a railroad~~, \$20.00.

7 ~~(22)~~(20) For an ~~art gallery or bookstore~~ special venue serving permit,
8 \$20.00.

9 ~~(23)~~(21) For a fortified wine permit, \$100.00.

10 ~~(24)~~ For a ~~public library or museum~~ permit, \$20.00.

11 ~~(25)~~(22) For a retail delivery permit, \$100.00.

12 ~~(26)~~(23) For a destination resort master license, \$1,000.00.

13 (b) Except for fees collected for first-, second-, and third-class licenses, the
14 fees collected pursuant to subsection (a) of this section shall be deposited in the
15 Liquor Control Enterprise Fund. The other fees shall be distributed as follows:

16 (1) Third-class license fees: 55 percent shall go to the Liquor Control
17 Enterprise Fund, and 45 percent shall go to the General Fund and shall fund
18 alcohol abuse prevention and treatment programs.

19 (2) First- and second-class license fees: At least 50 percent of first-class
20 and second-class license fees shall go to the respective municipalities in which
21 the licensed premises are located, and the remaining percentage of those fees

1 shall go to the Liquor Control Enterprise Fund. A municipality may retain
2 more than 50 percent of the fees that the municipality collected for first- and
3 second-class licenses to the extent that the municipality has assumed
4 responsibility for enforcement of those licenses pursuant to a contract with the
5 Department. The ~~Department~~ Liquor Control Board shall adopt rules
6 regarding contracts entered into pursuant to this subdivision.

7 Sec. 24. 7 V.S.A. § 232 is redesignated and amended to read:

8 ~~§ 232~~ 205. TERMS OF PERMITS AND, LICENSES, AND CERTIFICATES

9 (a) All permits and, licenses, and certificates shall expire midnight,
10 April 30, of each year and, upon the payment of a new fee,

11 (b) A permit, license, or certificate may be renewed as follows:

12 (1) A first-class or second-class license, and an outside consumption
13 permit associated with a first-class license, may be renewed by:

14 (A) payment of the fee as required by section 204 of this title;

15 (B) submission to the local control commissioners with the of an
16 application demonstrating that the licensee satisfies all applicable rules and
17 requirements; and

18 (C) approval of the ~~liquor control board~~ Liquor Control Board as
19 provided in section 221, 222, or 227 of this title, ~~provided the licensee is~~
20 entitled thereto.

21 (2) All other permits, licenses, and certificates may be renewed by:

1 (A) payment of the fee as required by section 204 of this title; and
2 (B) submission to the Liquor Control Board or the Department, as
3 appropriate, of an application demonstrating that the holder satisfies all
4 applicable rules and requirements. *[Proposed for amendment to reflect current*
5 *license renewal practice.]*

6 Sec 25. 7 V.S.A. § 233 is redesignated and amended to read:

7 § ~~233~~ 206. DISPOSAL OF FEES

8 The control commissioners shall collect all fees for retailers' licenses of the
9 ~~first first-~~ and ~~second-class~~ second-class and shall pay ~~such~~ the fees to the
10 Department and the city and town treasurers of the respective cities and towns
11 where ~~such~~ the fees are collected ~~to be~~ as provided in subsection 204(b) of this
12 chapter. The portion of each fee paid to the city or town may be used as such
13 ~~cities and towns~~ it may direct, less a fee of \$5.00 to be retained by the city or
14 town clerk as a fee for issuing ~~such~~ and recording the license ~~and recording the~~
15 same. Fees Except as otherwise provided in section 274 and 275 of this title,
16 fees for all other licenses shall be paid to the ~~liquor control board~~ Liquor
17 Control Board. *[Proposed for amendment to address potential conflict with*
18 *provisions of § 231 (new § 204)]*

19 Sec. 26. 7 V.S.A. § 234 is redesignated and amended to read:

1 § ~~234~~ 207. CHANGE OF LOCATION

2 ~~In case any~~ If a licensee desires to change the location of ~~his~~ its business
3 before the expiration of ~~his~~ its license, ~~upon proper~~ the licensee may submit an
4 application, ~~to the liquor control board~~ Liquor Control Board, which may
5 amend ~~his~~ the license to cover the new premises without the payment of any
6 additional fee.

7 Sec. 27. 7 V.S.A. § 208 is added to read:

8 § 208. DISPLAY OF LICENSE

9 All licenses or permits granted under this title shall be conspicuously
10 displayed on the premises for which the license or permit is granted.

11 Sec. 28. 7 V.S.A. § 235 is redesignated and amended to read:

12 § ~~235~~ 209. BANKRUPTCY, DEATH, AND REVOCATION

13 (a) If a licensee or permittee becomes bankrupt or dies before the
14 expiration of ~~his or her~~ its license or permit, ~~his or her~~ the licensee's or
15 permittee's trustee, executor, or administrator may sell the ~~intoxicating liquors~~
16 alcohol which that came into ~~his or her~~ its possession to a holder of a license or
17 permit of the same class.

18 (b) If a license or permit is revoked under the provisions of this title, after
19 ~~such~~ the revocation, the licensee or permittee may sell the ~~intoxicating liquors~~
20 ~~in his or her~~ alcohol in its possession at the time of ~~such~~ the revocation to a
21 holder of a license or permit of the same class.

1 (c)(1) All sales under this section ~~shall be accompanied by immediate and~~
2 ~~actual delivery and~~ shall be made within 30 days after ~~such the~~ bankruptcy,
3 death, or revocation and shall include immediate and actual delivery of the
4 alcohol.

5 (2) However Notwithstanding subdivision (1) of this subsection, upon
6 application of the executor or administrator of a deceased licensee or
7 permittee, the ~~board~~ Board may transfer the license or permit of the decedent
8 to ~~such the~~ executor or administrator without payment of any additional fee,
9 and the executor or administrator may then carry on the business of the
10 decedent under the license or permit until ~~the its~~ expiration ~~thereof.~~

11 (d)(1) The holder of a manufacturer's or rectifier's license may pledge or
12 mortgage ~~intoxicating liquor~~ alcoholic beverages manufactured or rectified by
13 ~~such the~~ licensee and ~~such the~~ pledgee or mortgagee may retain possession of
14 ~~such liquor~~ the alcoholic beverages and ~~after condition broken, if the licensee~~
15 defaults, may sell and dispose of the alcoholic beverages to persons to whom
16 the licensee might lawfully sell ~~such liquors~~ the alcoholic beverages, subject to
17 the same restrictions and regulations as ~~such the~~ licensee, and to ~~such any~~
18 further restriction ~~and regulation as may be~~ or rules prescribed by the ~~liquor~~
19 ~~control board~~ Liquor Control Board with respect to ~~notice to it in~~ advance
20 notice to it of ~~such the~~ sale and determination by it of the persons entitled to
21 buy and the manner of ~~such the~~ sale.

1 (2) Any sale ~~under such~~ pursuant to a default on a pledge or mortgage
2 shall not be at public auction as required with respect to ~~like~~ similar sales of
3 other property, but shall be upon not less than ten days' notice to the pledgor or
4 mortgagor and for the highest amount which may be offered ~~under the~~
5 ~~regulations of such liquor control board as aforesaid~~ pursuant to the rules of the
6 Liquor Control Board.

7 Sec. 29. 7 V.S.A. § 236 is redesignated and amended to read:

8 § ~~236~~ 210. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT;

9 ADMINISTRATIVE PENALTY

10 (a)(1) The control commissioners or the ~~liquor control board~~ Liquor
11 Control Board shall have power to suspend or revoke any permit or license
12 granted pursuant to this title in the event the person holding ~~such~~ the permit or
13 license shall at any time during the term ~~thereof so~~ of the permit or license
14 ~~conduct his or her~~ its business ~~as to be~~ in violation of this title, the conditions
15 pursuant to which ~~such~~ the permit or license was granted, or of any rule or
16 ~~regulation~~ prescribed by the ~~liquor control board~~ Liquor Control Board.

17 (2) No revocation shall be made until the permittee or licensee ~~shall be~~
18 has been notified and ~~be~~ given a hearing before the ~~liquor control board~~ Liquor
19 Control Board, unless ~~such~~ the permittee or licensee ~~shall have~~ has been
20 convicted by a court of competent jurisdiction of violating the provisions of
21 this title.

1 (3) In the case of a suspension, the permittee or licensee shall be notified
2 and given a hearing before the ~~liquor control board~~ Liquor Control Board or
3 the local ~~governing body~~ control commissioners, whichever applies.

4 (4) Any decision to suspend or revoke a license shall be issued in
5 writing and set forth the reasons for the suspension or revocation and, if
6 applicable, the duration of the suspension.

7 (5) A tobacco license may not be suspended or revoked for a first-time
8 violation. Suspension or revocation of a tobacco license shall not affect any
9 liquor license held by the licensee.

10 (b)(1) As an alternative to and in lieu of the authority to suspend or revoke
11 any permit or license, the ~~liquor control board~~ Liquor Control Board shall also
12 have the power to impose an administrative penalty of up to \$2,500.00 per
13 violation against a holder of a wholesale dealer's license or a holder of a ~~first~~
14 first-, second second-, or third-class third-class license for a violation of the
15 conditions ~~under which~~ of the license ~~was issued~~ or of this title or of any rule
16 ~~or regulation~~ adopted by the ~~board~~ Board.

17 (2) The administrative penalty may be imposed after a hearing before
18 the ~~board~~ Board or after the licensee has been convicted by a court of
19 competent jurisdiction of violating the provisions of this title.

1 (3) The ~~board~~ Board may also impose an administrative penalty under
2 this subsection against a holder of a tobacco license for up to \$100.00 for a
3 first violation and up to \$1,000.00 for subsequent violations.

4 (4) For the first violation during a tobacco or alcohol compliance check
5 during any three-year period, a licensee or permittee shall receive a warning
6 and be required to attend a ~~department~~ Department server training class.

7 (c) For suspension or revocation proceedings involving a tobacco license or
8 the imposition of an administrative penalty against a tobacco licensee under
9 this section, the ~~commissioner~~ Commissioner, a ~~board~~ Board member
10 designated by the ~~chair~~ Chair, or a hearing officer designated by the ~~chair~~
11 Chair pursuant to section ~~236a~~ 211 of this title may conduct the hearing and
12 render a decision.

13 (d)(1) The ~~board~~ Board shall subpoena any person in this ~~state~~ State to
14 appear for a hearing or for a deposition in the same manner as prescribed for
15 judicial procedures.

16 (2) Sheriffs and witnesses shall receive the same fees for the service of
17 process and attendance before the ~~board~~ Board as are paid in ~~superior court~~
18 Superior Court.

19 Sec. 30. 7 V.S.A. § 236a is redesignated and amended to read:

1 § ~~236a~~ 211. HEARING OFFICER

2 (a) The ~~chair~~ Chair of the ~~board~~ Liquor Control Board may appoint a
3 hearing officer to conduct hearings pursuant to section ~~236~~ 210 of this title. A
4 hearing officer may be a member of the ~~board~~ Board appointed under section
5 ~~236~~ 210 of this title.

6 (b) The hearing officer may administer oaths in all cases, so far as the
7 exercise of that power is properly incidental to the performance of the hearing
8 officer's duty or that of the ~~board~~ Board. A hearing officer may hold any
9 hearing in any matter within the jurisdiction of the ~~board~~ Board.

10 (c) The hearing officer shall make findings of fact in writing to the ~~board~~
11 Board in the form of a proposal for decision. A copy of the proposal for
12 decision shall be served upon the parties pursuant to 3 V.S.A. § ~~811~~ 812.
13 Judgment on the hearing officer's proposal for decision shall be rendered by a
14 majority of the ~~board~~ Board.

15 (d) At least 10 days prior to a hearing before the ~~board~~ Board, the hearing
16 officer shall give written notice of the time and place of the hearing to all
17 parties in the case and shall indicate the name and title of the person designated
18 to conduct the hearing.

19 (e) The ~~chair~~ Chair may appoint a hearing officer to hear and finally
20 determine any complaint involving a tobacco license. In such a case, the

1 hearing officer may impose administrative penalties as provided in subsection
2 ~~236(b)~~ 210(b) of this title.

3 Sec. 31. 7 V.S.A. § 237 is redesignated and amended to read:

4 § ~~237~~ 212. COMPLAINTS AND PROSECUTIONS

5 The ~~commissioner of liquor control~~ Commissioner of Liquor Control or the
6 control commissioners shall make complaint to the ~~state's attorney~~ State's
7 Attorney or town grand juror of any unlawful furnishing, selling, or keeping
8 for sale of alcohol, ~~spirituous liquor~~ spirits, fortified wines, or malt beverages,
9 or vinous beverages, and ~~furnish the evidence thereof to such state's attorney~~
10 provide evidence in support of the complaint to the State's Attorney or town
11 grand juror, who shall prosecute for ~~such~~ the alleged violation.

12 Sec. 32. 7 V.S.A. § 239 is redesignated and amended to read:

13 § ~~239~~ 213. LICENSEE EDUCATION

14 (a) A new first-class, second-class, third-class, fourth-class, ~~or farmers'~~
15 ~~market license~~, or manufacturer's or rectifier's license, or common carrier
16 certificate shall not be granted until the applicant has attended a Department of
17 Liquor Control in-person seminar or completed the appropriate Department of
18 Liquor Control online training program for the purpose of being informed of
19 the Vermont ~~liquor~~ liquor laws, and rules, ~~and regulations~~ pertaining to the purchase,
20 storage, and sale of ~~alcohol~~ alcoholic beverages. A corporation, partnership, or

1 association shall designate a director, partner, or manager who shall comply
2 with the terms of this subsection.

3 (b)(1) Every holder of a first-class, second-class, third-class, fourth-class,
4 or farmers' market licensee, and every holder of a manufacturer's or rectifier's
5 license, or common carrier certificate shall complete the Department of Liquor
6 Control in-person licensee training seminar or the appropriate Department of
7 Liquor Control online training program at least once every two years. A
8 corporation, partnership, or association shall designate a director, partner, or
9 manager who shall comply with the terms of this subsection.

10 (2) A first-class, second-class, third-class, fourth-class, ~~or farmers'~~
11 ~~market license,~~ or manufacturer's or rectifier's license shall not be renewed
12 unless the Department's records ~~of the Department of Liquor Control~~ show
13 that the licensee has complied with the terms of this subsection.

14 (c)(1) Each licensee, permittee, or common carrier certificate holder shall
15 ensure that every employee who is involved in the delivery, sale, or serving of
16 ~~alcohol~~ alcoholic beverages completes a training program approved by the
17 Department of Liquor Control before the employee begins serving or selling
18 alcoholic beverages and at least once every 24 months thereafter. Each
19 licensee shall maintain written documentation, signed by each employee
20 trained, of each training program conducted.

1 (2) A licensee may comply with this requirement by conducting its own
2 training program on its premises, using information and materials furnished or
3 approved by the Department of Liquor Control. A licensee who fails to
4 comply with the requirements of this subsection shall be subject to a
5 suspension of the license issued under this title for no less than one day ~~of the~~
6 ~~license issued under this title.~~

7 (d) The following fees for Department of Liquor Control in-person or
8 online seminars will be paid:

9 (1) For a first-class or first- and third-class licensee seminar either ~~in~~
10 ~~person~~ in-person or online, \$25.00 per person.

11 (2) For a second-class licensee seminar either ~~in-person~~ in-person or
12 online, \$25.00 per person.

13 (3) For a combination first-class, first- and third-class, and second-class
14 licensee seminar either ~~in-person~~ in-person or online, \$25.00 per person.

15 (4) For a manufacturer's or rectifier's, or fourth-class, ~~or farmers'~~
16 ~~market~~ licensee seminar either ~~in-person~~ in-person or online, \$10.00 per
17 person.

18 (5) For common carrier seminars either ~~in-person~~ in-person or online,
19 \$10.00 per person.

1 (6) For all special event, festival, educational sampling, ~~art gallery,~~
2 ~~bookstore, museum and library~~ and special venue serving permit holders for
3 either an in-person or online seminar, \$10.00 per person.

4 (e) Fees for all seminars listed in this section and under other sections of
5 this title with regards to in-person or online training shall be deposited directly
6 in the Liquor Control Enterprise Fund.

7 Sec. 33. 7 V.S.A. § 240 is redesignated and amended to read:

8 § ~~240~~ 214. PROOF OF FINANCIAL RESPONSIBILITY

9 (a) Any ~~first, second or third class liquor~~ first-, second-, or third-class
10 licensee whose license is suspended by the local control commissioners or
11 suspended or revoked by the ~~liquor control board~~ Liquor Control Board for
12 selling or furnishing ~~intoxicating liquor~~ alcoholic beverages to a minor, to a
13 person apparently under the influence of ~~intoxicating liquor~~ alcohol, to a
14 person after legal serving hours, or to a person ~~whom~~ who it would be
15 reasonable to expect would be intoxicated as a result of the amount of ~~liquor~~
16 alcoholic beverages served to that person, shall be required to furnish to the
17 ~~liquor control department~~ Commissioner a certificate of financial responsibility
18 within 60 days of the commencement of the suspension or revocation or at the
19 time of reinstatement of the license, whichever is later. Financial
20 responsibility may be established by any one or a combination of the
21 following: insurance, surety bond, or letter of credit. Coverage shall be

1 maintained at not less than \$25,000.00 per occurrence and \$50,000.00
2 aggregate per occurrence. Proof of financial responsibility shall be required
3 for license renewal for the three years following the suspension or revocation.

4 (b)(1) Proof of financial responsibility and completion of the licensee
5 education program established in section ~~239~~ 213 of this title shall be
6 conditions for a licensee to be permitted to resume operation after a suspension
7 or revocation for any of the reasons in subsection (a) of this section; ~~however,~~

8 (2) However, at the discretion of the suspending or revoking authority,
9 the licensee may receive a provisional license prior to the time these conditions
10 are met in order to allow for compliance with the education requirement or to
11 obtain the certificate of financial responsibility. A provisional license may not
12 be issued for a period exceeding 60 days.

13 Sec. 34. 7 V.S.A. § 221 is added to read:

14 § 221. FIRST-CLASS LICENSES

15 (a)(1) With the approval of the Liquor Control Board, the control
16 commissioners may grant a first-class license to a retail dealer for the premises
17 where the dealer carries on business if the retail dealer submits an application
18 and pays the license fee provided in section 204 of this title, and satisfies the
19 Board that the premises:

20 (A) are leased, rented, or owned by the retail dealer;

1 (B) are devoted primarily to dispensing meals to the public, except in
2 the case of clubs; and

3 (C) have adequate and sanitary space and equipment for preparing
4 and serving meals.

5 (2) The Liquor Control Board may grant a first-class license to a boat or
6 railroad dining car if the person that operates it submits an application and pays
7 the license fee provided in section 204 of this title.

8 (3) The Department shall post notice of pending applications on its
9 website.

10 (b)(1) A first-class license permits the holder to sell malt and vinous
11 beverages for consumption only on those premises.

12 (2) Except as otherwise provided pursuant to sections 271 and 278 of
13 this title, a first-class license holder shall purchase all malt beverages and
14 vinous beverages sold pursuant to the license from Vermont wholesaler dealers
15 or packagers.

16 (c) A retail dealer carrying on business in more than one place shall acquire
17 a first-class license for each place where the retail dealer sells malt or vinous
18 beverages for consumption on the premises.

19 (d) Partially consumed bottles of vinous beverages or specialty beers that
20 were purchased with a meal may be removed from first-class licensed premises
21 provided the beverages are recapped or resealed.

1 (e) No person under 18 years of age shall be employed by a first-class
2 licensee as:

3 (1) a bartender for the purpose of preparing, mixing, or dispensing
4 alcoholic beverages; or

5 (2) a waitress or waiter for the purpose of serving alcoholic beverages.

6 (f)(1) A holder of a first-class license may contract with another person to
7 prepare and dispense food on the licensed premises.

8 (2) The first-class license holder shall provide to the Department written
9 notification five business days prior to the start of the contract the following
10 information:

11 (A) the name and address of the license holder;

12 (B) a signed copy of the contract;

13 (C) the name and address of the person contracted to provide the
14 food;

15 (D) a copy of the person's license from the Department of Health for
16 the facility in which food is served; and

17 (E) the person's rooms and meals tax certificate from the Department
18 of Taxes.

19 (3) The holder of the first-class license shall notify the Department
20 within five business days of the termination of the contract to prepare and
21 dispense food. The first-class licensee shall be responsible for controlling all

1 conduct on the premises at all times, including the area in which the food is
2 prepared and stored.

3 (g) A hotel that holds a first-class license and places a minibar in any room
4 of a registered guest shall assure that the minibar is locked and that access to
5 the minibar is restricted to guests of legal drinking age.

6 (h) The holder of a first-class license may permit a customer to:

7 (1) possess or carry no more than two open containers of alcoholic
8 beverages; and

9 (2) maintain control over his or her open container of alcoholic
10 beverages at all times while on the licensed premises.

11 Sec. 35. 7 V.S.A. § 222 is amended to read:

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

14 (a)(1) With the approval of the Liquor Control Board, the control
15 commissioners may grant the following licenses a second-class license to a
16 retail dealer for the premises where the dealer carries on business if the retail
17 dealer submits an application and pays the license fee provided in section 204
18 of this title and satisfies the Board that the premises:

19 ~~(1) Upon making application and paying the license fee provided in~~
20 ~~section 231 of this title, a first-class license which authorizes the dealer to sell~~
21 ~~malt and vinous beverages for consumption only on those premises, and upon~~

1 ~~satisfying the Liquor Control Board that the premises are leased, rented, or~~
2 ~~owned by the retail dealer and are devoted primarily to dispensing meals to the~~
3 ~~public, except clubs, and that the premises have adequate and sanitary space~~
4 ~~and equipment for preparing and serving meals. The term "public" includes~~
5 ~~patrons of hotels, boarding houses, restaurants, dining cars, and similar places~~
6 ~~where meals are served. A retail dealer carrying on business in more than one~~
7 ~~place shall acquire a first-class license for each place where the retail dealer~~
8 ~~sells malt and vinous beverages. No malt or vinous beverages shall be sold by~~
9 ~~a first-class licensee to a minor. Partially consumed bottles of vinous~~
10 ~~beverages or specialty beers that were purchased with a meal may be removed~~
11 ~~from first-class licensed premises provided the beverages are recapped or~~
12 ~~resealed.~~

13 ~~(2) Upon making application, paying the license fee provided in section~~
14 ~~231 of this title, and upon satisfying the Board that such~~

15 ~~(A) premises are leased, rented, or owned by the retail dealer; and~~

16 ~~(B) are a safe, sanitary, and proper place from which to sell malt and~~
17 ~~vinous beverages, a second-class license, which shall authorize such dealer.~~

18 ~~(2) The Department shall post notice of pending applications on its~~
19 ~~website.~~

1 (b)(1) A second-class license permits the holder to export malt and vinous
2 beverages, and to sell malt and vinous beverages to the public from such the
3 licensed premises for consumption off the premises.

4 (2) The Department of Liquor Control may grant a second-class licensee
5 a fortified wine permit pursuant to section 225 of this chapter or a retail
6 delivery permit pursuant to section 226 of this chapter.

7 (3) Except as otherwise provided pursuant to sections 225, 271, and 278
8 of this title, a second-class license holder shall purchase all malt beverages and
9 vinous beverages sold pursuant to its license from Vermont wholesaler dealers
10 or packagers.

11 (c) A retail dealer carrying on business in more than one place shall be
12 required to acquire a second-class license for each place where the retail dealer
13 sells malt and vinous beverages. No malt or vinous beverages shall be sold by
14 a second-class licensee to a minor.

15 ~~(3) No person under the age of 18 shall be employed by a first- or~~
16 ~~third-class licensee as a bartender for the purpose of preparing, mixing, or~~
17 ~~dispensing alcoholic beverages. No person under the age of 18 shall be~~
18 ~~employed by a first- or third-class licensee as a waitress or waiter for the~~
19 ~~purpose of serving alcoholic beverages.~~

20 ~~(4)(A) A holder of a first-class license may contract with another person~~
21 ~~to prepare and dispense food on the license holder's premises.~~

1 ~~(B) The first class license holder shall provide to the Department~~
2 ~~written notification five business days prior to start of the contract the~~
3 ~~following information:~~

4 ~~(i) the name and address of the license holder;~~

5 ~~(ii) a signed copy of the contract;~~

6 ~~(iii) the name and address of the person contracted to provide the~~
7 ~~food;~~

8 ~~(iv) a copy of the person's license from the Department of Health~~
9 ~~for the facility in which food is served; and~~

10 ~~(v) the person's rooms and meals tax certificate from the~~
11 ~~Department of Taxes.~~

12 ~~(C) The holder of the first class license shall notify the Department~~
13 ~~within five business days of the termination of the contract to prepare and~~
14 ~~dispense food. It is the responsibility of the first class licensee to control all~~
15 ~~conduct on the premises at all times, including the area in which the food is~~
16 ~~prepared and stored.~~

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

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

4 ~~(C) The holder of a third class license may serve a sampler flight of~~
5 ~~up to four ounces in the aggregate of spirits or fortified wines to a single~~
6 ~~customer at one time.~~

7 ~~(6) The Liquor Control Board may grant a fortified wine permit to a~~
8 ~~second class licensee if the licensee files an application accompanied by the~~
9 ~~license fee as provided in section 231 of this title. The holder of a fortified~~
10 ~~wine permit may sell fortified wines to the public from the licensed premises~~
11 ~~for consumption off the premises. The Liquor Control Board shall issue no~~
12 ~~more than 150 fortified wine permits in any single year. The holder of a~~
13 ~~fortified wine permit shall purchase all fortified wines to be offered for sale to~~
14 ~~the public pursuant to the permit through the Liquor Control Board at a price~~
15 ~~equal to no more than 75 percent of the current retail price for the fortified~~
16 ~~wine established by the Commissioner pursuant to subdivision 107(3)(B) of~~
17 ~~this title.~~

18 ~~(7)(A)(i) The Liquor Control Board may grant a retail delivery permit to~~
19 ~~a second class licensee if the licensee files an application accompanied by the~~
20 ~~fee provided in section 231 of this title.~~

1 ~~(ii) Notwithstanding subdivision (i) of this subdivision (7)(A), the~~
2 ~~Liquor Control Board shall not grant a retail delivery permit in relation to a~~
3 ~~second class license issued to a licensed manufacturer or rectifier for the~~
4 ~~manufacturer's or rectifier's premises.~~

5 ~~(B) A retail delivery permit holder may deliver malt beverages or~~
6 ~~vinous beverages sold from the licensed premises for consumption off the~~
7 ~~premises to an individual who is at least 21 years of age subject to the~~
8 ~~following requirements:~~

9 ~~(i) Deliveries shall only be made by the permit holder or an~~
10 ~~employee of the permit holder.~~

11 ~~(ii) Deliveries shall only occur between the hours of 9:00 a.m. and~~
12 ~~5:00 p.m.~~

13 ~~(iii) Deliveries shall only be made to a physical address located in~~
14 ~~Vermont.~~

15 ~~(iv) An employee of a retail delivery permit holder shall not be~~
16 ~~permitted to make deliveries of malt beverages or vinous beverages pursuant to~~
17 ~~the permit unless he or she has completed a training program approved by the~~
18 ~~Department as required pursuant to section 239 of this chapter.~~

19 ~~(v) Malt beverages and vinous beverages delivered pursuant to a~~
20 ~~retail delivery permit shall be for personal use and not for resale.~~

21 Sec. 36. 7 V.S.A. § 224 is redesignated and amended to read:

1 § ~~224~~ 223. THIRD-CLASS LICENSES;~~OPEN CONTAINERS~~

2 (a)~~(1)~~ The Liquor Control Board may grant to a person who operates a
3 hotel, restaurant, ~~or club~~, boat or railroad dining car, or who holds a
4 manufacturer's or rectifier's license, a ~~license of the third class~~ third-class
5 license if the person files an application accompanied by the license fee as
6 provided in section ~~234~~ 204 of this title for the premises in which the business
7 of the hotel, restaurant, or club is carried on or for the boat or railroad dining
8 car.

9 (2) The applicant shall satisfy the Board that the applicant is the bona
10 fide owner or lessee of the premises, boat, or railroad dining car and that it is
11 operated for the purpose covered by the license.

12 (b) ~~The holder of a~~ A third-class license holder may sell spirits and fortified
13 wines for consumption only on the licensed premises ~~covered by the license~~.
14 ~~The applicant for a third class license shall satisfy the Liquor Control Board~~
15 ~~that the applicant is the bona fide owner or lessee of the premises and that the~~
16 ~~premises are operated for the purpose covered by the license,~~ boat, or railroad
17 dining car.

18 ~~(b)(c)~~ (c) The holder of a ~~first or first~~ and third-class license may permit a
19 ~~consumer~~ customer to:

20 (1) ~~Possess~~ possess or carry no more than two open containers of
21 alcoholic beverages; and

1 (2) ~~Maintain~~ maintain control over his or her open container of alcoholic
2 beverages at all times while on the licensed premises, boat, or railroad dining
3 car.

4 ~~(e)(d)(1) A~~ Except as otherwise provided in subdivision (2) of this
5 subsection and section 271 of this title, a person who holds a third-class license
6 shall purchase from the Liquor Control Board all spirits and fortified wines
7 dispensed in accordance with the provisions of the third-class license and this
8 title.

9 (2) For a third-class license issued for a dining car or boat, the licensee
10 may procure outside the State of Vermont spirits and fortified wines that are
11 sold pursuant to the license.

12 (e) No person under 18 years of age shall be employed by a third-class
13 licensee as:

14 (1) a bartender for the purpose of preparing, mixing, or dispensing
15 alcoholic beverages; or

16 (2) a waitress or waiter for the purpose of serving alcoholic beverages.

17 Sec. 37. 7 V.S.A. § 241 is redesignated and amended to read:

18 § ~~241~~ 224. ~~FOURTH-CLASS~~ FOURTH-CLASS LICENSE; ~~RULES:~~

19 ADVERTISING

20 (a) The Liquor Control Board may grant up to a combined total of ten
21 fourth-class licenses to a manufacturer or rectifier that submits an application

1 and the license fee required pursuant to section 204 of this title. [*New language*
2 *proposed to reflect existing licensing procedure*]

3 (b) At each licensed location, a fourth-class licensee may sell by the
4 unopened container or distribute by the glass, with or without charge, alcoholic
5 beverages manufactured by the licensee.

6 (1) A licensee may, for consumption at the licensed premises or
7 location, distribute the following amounts of alcoholic beverages to a retail
8 customer:

9 (A) no more than two ounces of malt beverages or vinous beverages
10 with a total of eight ounces; and

11 (B) no more than one-quarter ounce of spirits or fortified wine with a
12 total of one ounce.

13 (2) At a fourth-class license location at the licensee's manufacturing
14 premises, the licensee may distribute by the glass up to four mixed drinks
15 containing a combined total of no more than one ounce of spirits or fortified
16 wine to each retail customer for consumption only on the licensed premises.

17 (c)(1) At only one fourth-class license location, a licensed manufacturer or
18 rectifier may sell by the unopened container or distribute by the glass, with or
19 without charge, alcoholic beverages produced by no more than five additional
20 manufacturers or rectifiers, provided these beverages are purchased on invoice
21 from the manufacturer or rectifier.

1 (2) A manufacturer or rectifier may sell its product to no more than five
2 additional manufacturers or rectifiers.

3 (d) A fourth-class license issued for a farmers’ market location shall be
4 valid for all dates of operation for the specific farmers’ market location.

5 (e) Rules and regulations applicable to ~~second-class~~ second-class licenses
6 and pertaining to financial responsibility; ~~education of employees,~~ age of
7 employees, ~~hours of sale,~~ age of purchasers, the selling and furnishing to
8 apparently intoxicated persons; and leases of businesses shall all apply ~~in like~~
9 manner to ~~fourth-class~~ fourth-class licenses.

10 (~~b~~)(f) Signs and advertising of ~~fourth-class~~ fourth-class licenses at tasting
11 rooms and retail shops other than at the manufacturer’s or rectifier’s premises
12 shall indicate that the premises are a “tasting room and retail shop,” and shall
13 be in lettering not less than 75 percent of the height and width of the lettering
14 setting forth the name of the licensee or establishment.

15 Sec. 38. 7 V.S.A. § 225 is redesignated and amended to read:

16 § ~~225~~ 251. EDUCATIONAL SAMPLING EVENT PERMIT

17 (a) The Department of Liquor Control Board may grant an educational
18 sampling event permit to a person ~~to conduct an event that is open to the public~~
19 ~~and at which malt beverages, vinous beverages, fortified wines, or spirits, or all~~
20 ~~four are served only for the purposes of marketing and educational sampling,~~
21 provided if:

1 (1) the event is also approved by the local ~~licensing authority.~~ At
2 control commissioners; and

3 (2) at least 15 days prior to the event, ~~an~~ the applicant ~~shall submit~~
4 submits an application to the Department in a form required by the
5 ~~Department.~~ ~~The application shall include~~ Commissioner that includes a list of
6 the alcoholic beverages to be acquired for sampling at the event, ~~and the~~
7 ~~application shall be~~ and is accompanied by a the fee ~~in the amount~~ required
8 pursuant to section ~~234~~ 204 of this title.

9 (b) An educational sampling event permit holder is permitted to conduct an
10 event that is open to the public at which malt beverages, vinous beverages,
11 fortified wines, spirits, or all four are served only for the purposes of marketing
12 and educational sampling.

13 (c)(1) No more than four educational sampling event permits shall be
14 issued annually to the same person.

15 (2) An educational sampling event permit shall be valid for no more
16 than four consecutive days.

17 (d) The permit holder shall ensure all the following:

18 (1) Attendees at the educational sampling event shall be required to pay
19 an entry fee of no less than \$5.00.

20 (2)(A) ~~Beverages~~ Malt beverages or vinous beverages for sampling shall
21 be offered in glasses that contain no more than two ounces of either beverage.

1 (B) Fortified wines and spirits for sampling shall be offered in
2 glasses that contain no more than one quarter ounce of either beverage.

3 *[Proposed for amendment for consistency with other tasting provisions]*

4 (3) The event shall be conducted in compliance with all the
5 requirements of this title.

6 ~~(b)~~(e) An educational sampling event permit holder:

7 (1) ~~May~~ may receive shipments directly from a manufacturer, ~~bottler~~
8 packager, certificate of approval holder, wholesale dealer, or importer licensed
9 in Vermont or that provides evidence of licensure in another state or foreign
10 country satisfactory to the Board;

11 (2) ~~May~~ may transport ~~malt beverages, vinous beverages, fortified~~
12 ~~wines, and spirits~~ alcoholic beverages to the event site, and those beverages
13 may be served at the event by the permit holder or the holder's employees,
14 volunteers, or representatives of a manufacturer, ~~bottler~~ packager, or importer
15 participating in the event, provided they meet the server age and training
16 requirements under section 259 of this chapter; and

17 (3) ~~[Repealed.]~~

18 ~~(e) All the~~ shall mark all cases and bottles of alcoholic beverages to be
19 served at the event ~~shall be marked by the permit holder~~ "For sampling only.
20 Not for resale."

1 ~~(d)~~(f) Taxes for the alcoholic beverages served at the event shall be paid as
2 follows:

3 (1) ~~Malt~~ malt beverages:

4 (A) \$0.265 per gallon of malt beverages containing not more than six
5 percent of alcohol by volume at 60 degrees Fahrenheit served; and

6 (B) \$0.55 per gallon per gallon of malt beverages served that contain
7 more than six percent of alcohol by volume at 60 degrees Fahrenheit; *[New*
8 *language proposed for consistency with existing tax rates for retail sales of*
9 *malt beverages pursuant to § 421]*

10 (2) ~~Vinous~~ vinous beverages: \$0.55 per gallon served;

11 (3) ~~Spirituous liquors~~ spirits: \$19.80 per gallon served; and

12 (4) ~~Fortified~~ fortified wines: \$19.80 per gallon served.

13 Sec. 39. 7 V.S.A. § 225 is added to read:

14 § 225. FORTIFIED WINE PERMITS

15 (a)(1) The Department of Liquor Control may grant a fortified wine permit
16 to a second-class licensee if the licensee files an application accompanied by
17 the fee as provided in section 204 of this title.

18 (2) The Department of Liquor Control shall issue no more than 150
19 fortified wine permits in any single year.

20 (b)(1) A fortified wine permit holder may sell fortified wines to the public
21 from the licensed premises for consumption off the premises.

1 (2) A fortified wine permit holder shall purchase all fortified wines to be
2 offered for sale to the public pursuant to the permit through the Liquor Control
3 Board at a price equal to no more than 75 percent of the current retail price for
4 the fortified wine established by the Commissioner pursuant to subdivision
5 107(3)(B) of this title.

6 Sec. 40. 7 V.S.A. § 226 is redesignated and amended to read:

7 § ~~226~~ 272. BOTTLERS' PACKAGER'S LICENSE

8 (a) The ~~liquor control board~~ Liquor Control Board may grant to a bottler a
9 license to bottle and sell malt and vinous beverages received by such bottler in
10 bulk upon a packager's license to a person if the person:

11 (1) submits an application and the payment of;

12 (2) pays the license fee as provided in section ~~231~~ 204 of this title; and

13 (3) ~~upon satisfying~~ satisfies the commissioner of liquor control

14 Commissioner of Liquor Control as to the ~~its~~ compliance with the rules and
15 regulations of the ~~liquor control board~~ Board relating to the cleanliness of the
16 applicant's facilities for storage and bottling of the ~~malt and vinous~~ alcoholic
17 beverages.

18 (b) A packager's license holder may:

19 (1) bottle or otherwise package alcoholic beverages the licensee receives
20 in bulk for sale; and

1 (2) distribute and sell alcoholic beverages that are bottled or otherwise
2 packaged for sale by the licensee.

3 (c) A packager’s license holder shall comply with the provisions of
4 subdivision 274(c)(2) of this subchapter.

5 Sec. 41. 7 V.S.A. § 226 is added to read:

6 § 226. RETAIL DELIVERY PERMITS

7 (a)(1) The Department of Liquor Control may grant a retail delivery permit
8 to a second-class licensee if the licensee files an application accompanied by
9 the fee provided in section 204 of this title.

10 (2) Notwithstanding subdivision (1) of this subsection, the Department
11 of Liquor Control shall not grant a retail delivery permit in relation to a
12 second-class license issued to a licensed manufacturer or rectifier for the
13 manufacturer’s or rectifier’s premises.

14 (b) A retail delivery permit holder may deliver malt beverages or vinous
15 beverages sold from the licensed premises for consumption off the premises to
16 an individual who is at least 21 years of age subject to the following
17 requirements:

18 (1) Deliveries shall only be made by the permit holder or an employee
19 of the permit holder.

20 (2) Deliveries shall only occur between the hours of 9:00 a.m. and
21 5:00 p.m.

1 (3) Deliveries shall only be made to a physical address located in
2 Vermont.

3 (4) An employee of a retail delivery permit holder shall not be permitted
4 to make deliveries of malt beverages or vinous beverages pursuant to the
5 permit unless he or she has completed a training program approved by the
6 Department as required pursuant to section 213 of this chapter.

7 (5) Malt beverages and vinous beverages delivered pursuant to a
8 retail delivery permit shall be for personal use and not for resale.

9 Sec. 42. 7 V.S.A. § 227 is redesignated and amended to read:

10 § ~~227~~ 273. WHOLESALE DEALER'S LICENSE

11 (a) ~~The liquor control board~~ Liquor Control Board may grant ~~to a~~
12 ~~wholesale dealer a license to distribute or sell malt and vinous beverages upon~~
13 ~~application of such wholesale dealer and the payment of a wholesale dealer's~~
14 license to a person if the person:

15 (1) submits an application on a form required by the Board;

16 (2) pays the license fee as provided in section ~~231~~ 204 of this title; and

17 (3) ~~upon satisfying the liquor control board~~ satisfies the Board as to ~~his~~
18 ~~or her~~ its qualifications as a wholesale dealer.

19 (b) A wholesale dealer's license holder may distribute or sell malt
20 beverages or vinous beverages to first- and second-class licensees and holders
21 of educational sampling event permits.

1 (c)(1) In no event shall a wholesale dealer's license ~~permit carrying holder~~
2 ~~be permitted to carry~~ on business allowed by a ~~retail dealer's first class~~
3 ~~first-class~~ license or ~~second class~~ second-class license.

4 (2) A wholesale dealer's license holder shall comply with the provisions
5 of subdivision 274(c)(2) of this subchapter.

6 Sec. 43. 7 V.S.A. § 228 is redesignated and amended to read:

7 § ~~228~~ 258. ~~DINING CARS AND BOATS; FIRST OR THIRD CLASS~~
8 ~~LICENSE; PURCHASE OF LIQUORS OUTSIDE STATE;~~
9 ~~PROMOTIONAL RAILROAD TASTING PERMIT~~

10 ~~(a) The Liquor Control Board may grant to a person that operates a boat or~~
11 ~~dining car engaged in interstate commerce a license of the first class or~~
12 ~~third class upon the application and payment of the license fee as provided in~~
13 ~~section 231 of this title. A person that operates a dining car or boat engaged in~~
14 ~~interstate commerce may procure spirits and fortified wines outside the State of~~
15 ~~Vermont.~~

16 ~~(b)~~ The Department of Liquor Control Board may grant to a person that
17 operates a railroad a tasting permit that permits the holder to conduct tastings
18 of ~~Vermont produced~~ alcoholic beverages in the dining car, ~~provided if~~ the
19 person files with the ~~department~~ Department an application along with the
20 permit fee required pursuant to ~~subdivision 231(a)(21)~~ section 204 of this title.

21 *[Proposed for amendment to avoid potential conflict with Commerce Clause.]*

1 Sec. 44. 7 V.S.A. § 238a is redesignated and amended to read:

2 § ~~238a~~ 227. OUTSIDE CONSUMPTION PERMITS; FIRST-, THIRD-, AND
3 FOURTH-CLASS LICENSEES

4 Pursuant to ~~regulations of~~ the rules of the Liquor Control Board, the
5 Department of Liquor Control Board, may grant an outside consumption
6 permit ~~may be granted~~ to the holder of a first- ~~or~~, first- and third-class licenses
7 ~~for all or part of the outside premises of a golf course or to the holder of a, or~~
8 fourth-class license for all or part of the outside premises of the license holder,
9 ~~provided that such~~ if the permit is first obtained from the local control
10 commissioners and approved by the Board. [*Proposed for amendment to*
11 *reflect current permitting practices*]

12 Sec. 45. 7 V.S.A. § 228 is added to read:

13 § 228. SAMPLER FLIGHTS

14 (a) The holder of a first-class license may serve a sampler flight of up to
15 32 ounces in the aggregate of malt beverages to a single customer at one time.

16 (b) The holder of a first-class license may serve a sampler flight of up to
17 12 ounces in the aggregate of vinous beverages to a single customer at one
18 time.

19 (c) The holder of a third-class license may serve a sampler flight of up to
20 four ounces in the aggregate of spirits or fortified wines to a single customer at
21 one time.

1 Sec. 46. 7 V.S.A. § 229 is amended to read:

2 § 229. ~~NUMBER OF LICENSES ALLOWED CLUBS~~

3 ~~Unless specially authorized by the board, it shall be unlawful for a person to~~
4 ~~hold more than one first class license or more than one second class license at~~
5 ~~the same time or a first class license and a second class license, or a second~~
6 ~~class license and a third class license at the same time, or a bottler's license or~~
7 ~~wholesale dealer's license and a license of any other class at the same time.~~
8 ~~However, nothing herein shall be construed to prevent a person holding a~~
9 ~~bottler's license and a wholesale dealer's license at the same time provided~~
10 ~~such person pays both the license fees as provided in section 231 of this title.~~

11 *[Former provision is proposed for repeal as obsolete in light of the Board's*
12 *practice of granting multiple licenses]*

13 (a)(1) Except as otherwise provided in subdivisions (2) and (3) of this
14 subsection, a club shall be permitted to obtain a license under this title if it has
15 existed for at least two consecutive years prior to the date of its application.

16 (2) A club whose officers and members consist solely of veterans of the
17 U.S. Armed Forces or a subordinate lodge or local chapter of any national
18 fraternal order, which fulfills all requirements of this section except that it has
19 not been in existence for at least two consecutive years, shall be permitted to
20 obtain a license under this title if it has existed for at least six months prior to
21 the date of its application.

1 (3) A club that is located on and integrally associated with at least a
2 regulation nine-hole golf course shall be permitted to obtain a license under
3 this title if it has existed for at least six months prior to the date of its
4 application.

5 (b) The premises of a club that is licensed pursuant to this title may be used
6 or leased by a nonmember as a location for a social event as if it were any
7 other licensed commercial establishment.

8 (c)(1) Before May 1 of each year, each club shall file with the Liquor
9 Control Board a list of the names and residences of its members and a list of its
10 officers.

11 (2) Its affairs and management shall be conducted by a board of
12 directors, executive committee, or similar body chosen by the members at its
13 annual meeting.

14 (3)(A) A club may provide for a salary for members, officers, agents, or
15 employees of the club by a vote at annual meetings by the club's members,
16 directors, or other governing body, and shall report the salary set for such
17 members, officers, agents, or employees to the Liquor Control Board.

18 (B) No member, officer, agent, or employee of a club shall be paid,
19 or directly or indirectly receive, in the form of salary or other compensation,
20 any profits from the disposition or sale of alcoholic beverages to the club's

1 members or guests introduced by members beyond the amount of any salary
2 that may be fixed and voted pursuant to subdivision (A) of this subdivision (3).

3 (4) An auxiliary member of a club may invite one guest at any one time.

4 (5)(A) An officer or director of a club may perform the duties of a
5 bartender without receiving any payment for that service, provided the officer
6 or director is in compliance with the requirements of this title that relate to
7 service of alcoholic beverages.

8 (B) An officer, member, or director of a club may volunteer to
9 perform services at the club other than serving alcoholic beverages, including
10 seating patrons and checking identification, without receiving payment for
11 those services.

12 (6) An officer, member, or director of a club who volunteers his or her
13 services shall not be considered to be an employee of the club.

14 Sec. 47. 7 V.S.A. § 238 is redesignated and amended to read:

15 § 238 241. ~~CATERER'S LICENSE, GRANTING OF; SALE TO MINORS;~~

16 COMMERCIAL CATERING LICENSE

17 (a) The Liquor Control Board may issue a caterer's license ~~only to those~~
18 ~~persons who hold a current first class license or current first and third class~~
19 ~~licenses for a restaurant or hotel premises.~~

1 ~~(b) The Board may issue~~ or a commercial catering license ~~only to those~~
2 ~~persons~~ a person who ~~hold~~ holds a first-class license or ~~current~~ first- and third-
3 class licenses.

4 ~~(e)(b)~~ The Liquor Control Board shall adopt rules as ~~it deems~~ necessary to
5 effectuate the purposes of this section.

6 ~~(d) No malt or vinous beverages, spirits, or fortified wines shall be sold or~~
7 ~~served to a minor by a holder of a caterer's license.~~

8 ~~(e) Notwithstanding the provisions of subsection (a) of this section, the~~
9 ~~Liquor Control Board may issue a caterer's license to a licensed manufacturer~~
10 ~~or rectifier who holds a current first-class license.~~

11 Sec. 48 7 V.S.A. § 243 is added to read:

12 § 243. REQUEST TO CATER PERMIT

13 (a) The Department of Liquor Control may issue a request to cater permit
14 to the holder of a caterer's license or commercial caterer's license if the
15 licensee:

16 (1) submits an application for the permit on a form prescribed by the
17 Commissioner;

18 (2) receives approval for the proposed event from the local control
19 commissioners; and

20 (3) pays the fee required pursuant to section 204 of this title.

1 (b) A request to cater permit shall authorize a licensed caterer or
2 commercial caterer to serve alcoholic beverages at an individual event as set
3 forth in the permit.

4 Sec. 49. 7 V.S.A. § 252 is added to read:

5 § 252. SPECIAL EVENT PERMITS

6 (a)(1) The Department of Liquor Control may issue a special event permit
7 if the application is submitted to the Department of Liquor Control with the fee
8 as required by section 204 of this title at least five days prior to the date of the
9 event.

10 (2) A special event permit shall be valid for the duration of each public
11 event or four days, whichever is shorter.

12 (b) A special event permit holder may distribute beverages manufactured
13 by the permit holder with or without charge, provided the beverages are
14 distributed:

15 (1) for the purposes of tasting only;

16 (2) by the glass; and

17 (3) in quantities of no more than two ounces per product and eight
18 ounces total of malt beverages or vinous beverages and no more than one
19 ounce in total of spirits or fortified wines to each individual.

20 (c)(1) A licensed manufacturer may be issued no more than 104 special
21 events permits during a year.

1 (2) Each manufacturer or rectifier planning to attend a single special
2 event pursuant to this section may be listed on a single permit for the special
3 event. However, each attendance at a special event shall count toward the
4 manufacturer’s or rectifier’s annual limit of 104 special events permits.

5 Sec. 50. 7 V.S.A. § 253 is added to read:

6 § 253. FESTIVAL PERMITS

7 (a) The Department of Liquor Control may grant a festival permit if the
8 applicant has:

9 (1) received approval from the local control commissioners;

10 (2) submitted a request for a festival permit to the Department in a form
11 required by the Commissioner at least 15 days prior to the festival; and

12 (3) paid the fee required pursuant to section 204 of this title.

13 (b)(1) A festival permit holder may purchase invoiced volumes of malt or
14 vinous beverages directly from a manufacturer or packager licensed in
15 Vermont, or a manufacturer or packager that holds a federal Basic Permit or
16 Brewers Notice or evidence of licensure in a foreign country that is satisfactory
17 to the Board.

18 (2) The invoiced volumes of malt or vinous beverages may be
19 transported to the site and sold by the glass to the public by the permit holder
20 or its employees and volunteers only during the event.

1 (c) A festival permit holder shall be subject to the provisions of this title,
2 including section 214 of this title, and the rules of the Board regarding the sale
3 of the alcoholic beverages and shall pay the tax on the malt or vinous
4 beverages as required pursuant to section 421 of this title.

5 (d) A person shall be granted no more than four festival permits per year,
6 and each permit shall be valid for no more than four consecutive days.

7 Sec. 51. 7 V.S.A. § 254 is added to read:

8 § 254. SPECIAL VENUE SERVING PERMITS

9 (a) The Department of Liquor Control may grant an art gallery, bookstore,
10 public library, or museum a special venue serving permit if the applicant has:

11 (1) received approval from the local control commissioners;

12 (2) submitted a request for a permit to the Department in a form required
13 by the Commissioner at least five days prior to the event; and

14 (3) paid the fee required pursuant to section 204 of this title.

15 (b) A permit holder may purchase malt or vinous beverages directly from a
16 licensed retailer.

17 (c) A permit holder shall be subject to the provisions of this title and the
18 rules of the Board regarding the service of alcoholic beverages.

19 (d) A public library or museum may only be granted a permit pursuant to
20 this section for an event held for a charitable or educational purpose at which

1 malt and vinous beverages will be served for a period of not more than six
2 hours.

3 Sec. 52. 7 V.S.A. § 255 is added to read:

4 § 255. RETAIL ALCOHOLIC BEVERAGE TASTING PERMITS

5 (a) The Department of Liquor Control may grant a licensee a permit to
6 conduct an alcoholic beverage tasting event as provided in subsection (b) of
7 this section if:

8 (1) the licensee has submitted a written application in a form required by
9 the Commissioner and paid the permit fee required by section 204 of this title
10 at least five days prior to the date of the alcoholic beverage tasting event; and

11 (2) the Commissioner determines that the licensee is in good standing,

12 (b) The Department may grant the following alcoholic beverage tasting
13 permits to the following types of licensees:

14 (1) A second-class licensee.

15 (A) The permit authorizes the employees of the second-class licensee
16 to dispense to each customer of legal age on the licensee's premises malt or
17 vinous beverages by the glass not to exceed two ounces of each beverage with
18 a total of eight ounces of malt or vinous beverages.

19 (B) Malt or vinous beverages dispensed at the tasting event shall be
20 from the inventory of the licensee or purchased from a wholesale dealer.

1 (C) A second-class licensee may be granted up to 48 tasting permits
2 per year. In addition, a second-class licensee may be granted up to five
3 permits per week to conduct a tasting as part of an educational food
4 preparation class or course conducted by the licensee on the licensee’s
5 premises.

6 (2) A licensed manufacturer or rectifier of malt or vinous beverages.

7 (A) The permit authorizes the licensed manufacturer or rectifier to
8 dispense to each customer of legal age for consumption on the premises of a
9 second-class licensee beverages produced by the manufacturer or rectifier by
10 the glass not to exceed two ounces of each beverage with a total of eight
11 ounces of malt or vinous beverages.

12 (B) A manufacturer or rectifier may conduct no more than 48 tastings
13 per year.

14 (3) A licensed wholesale dealer. The permit authorizes a licensed
15 wholesale dealer to dispense malt or vinous beverages for promotional
16 purposes at the wholesale dealer’s premises without charge to invited
17 employees of first-, second-, and third-class licensees, provided the invited
18 employees are of legal age.

19 (c) A vinous beverage or malt beverage tasting event held pursuant to
20 subsection (b) of this section, not including an alcoholic beverage tasting
21 conducted on the premises of the manufacturer or rectifier, shall comply with

1 the following: *[Proposed amendment to include promotional tastings by*
2 *wholesale dealers to reflect current practice.]*

3 (1) continue for no more than six hours, with no more than six
4 beverages to be offered at a single event, and no more than two ounces of any
5 single beverage and no more than a total of eight ounces of malt or vinous
6 beverages to be dispensed to a customer;

7 (2) serve no more than eight individuals at one time; and

8 (3) be conducted totally within a designated area that extends no further
9 than 10 feet from the point of service and that is marked by a clearly visible
10 sign that states that no one under 21 years of age may participate in the tasting.

11 (d) The holder of a permit issued under this section shall keep an accurate
12 accounting of the beverages consumed at a tasting event and shall be
13 responsible for complying with all applicable laws under this title.

14 (e) The holder of a permit issued under this section that provides alcoholic
15 beverages to a minor or permits an individual under 18 years of age to serve
16 alcoholic beverages at a tasting event under this section shall be fined not less
17 than \$500.00 nor more than \$2,000.00 or imprisoned not more than two years,
18 or both.

1 Sec. 53. 7 V.S.A. § 256 is added to read:

2 § 256. PROMOTIONAL TASTINGS FOR LICENSEES

3 (a)(1) At the request of a first- or second-class licensee, a holder of a
4 manufacturer's, rectifier's, or wholesale dealer's license may distribute without
5 charge to the first- or second-class licensee's management and staff, provided
6 they are of legal age and are off duty for the rest of the day, two ounces per
7 person of vinous or malt beverages for the purpose of promoting the beverage.

8 (2) At the request of a holder of a third-class license, a manufacturer or
9 rectifier of spirits or fortified wines may distribute without charge to the
10 third-class licensee's management and staff, provided they are of legal age and
11 are off duty for the rest of the day, one-quarter ounce of each beverage and no
12 more than a total of one ounce to each individual for the purpose of promoting
13 the beverage.

14 (3) No permit is required for a tasting pursuant to this subsection, but
15 written notice of the event shall be provided to the Department of Liquor
16 Control at least two days prior to the date of the tasting.

17 (b)(1) At the request of a holder of a wholesale dealer's license, a first-class
18 licensee may dispense malt or vinous beverages for promotional purposes
19 without charge to invited management and staff of first-, second-, or third-class
20 licensees, provided they are of legal age.

21 (2) The event shall be held on the premises of the first-class licensee.

1 (3) The first-class licensee shall be responsible for complying with all
2 applicable laws under this title.

3 (4) No permit is required for a tasting pursuant to this subsection, but
4 the wholesale dealer shall provide written notice of the event to the
5 Department of Liquor Control at least 10 days prior to the date of the tasting.

6 (c)(1) Upon receipt of a first- or second-class application by the
7 Department, a holder of a wholesale dealer’s license may dispense malt or
8 vinous beverages for promotional purposes without charge to invited
9 management and staff of the business that has applied for a first- or
10 second-class license, provided they are of legal age.

11 (2) The event shall be held on the premises of the first- or second-class
12 applicant.

13 (3) The first- or second-class applicant shall be responsible for
14 complying with all applicable laws under this title.

15 (4) No malt or vinous beverages shall be left behind at the conclusion of
16 the tasting.

17 (5) No permit is required under this subdivision, but the wholesale
18 dealer shall provide written notice of the event to the Department at least five
19 days prior to the date of the tasting.

1 Sec. 54. 7 V.S.A. § 257 is added to read:

2 § 257. TASTINGS FOR PRODUCT QUALITY ASSURANCE

3 (a) A licensed manufacturer or rectifier may distribute to its management
4 and staff who are directly involved in the production of the licensee's products,
5 provided they are of legal age and at the licensed premises, samples of the
6 licensee's products for the purpose of assuring the quality of the products.

7 (b) Each sample of malt beverages or vinous beverages shall be no larger
8 than two ounces, and each sample of spirits or fortified wines shall be no larger
9 than one-quarter ounce.

10 (c) No permit is required for a tasting pursuant to this section.

11 Sec. 55. 7 V.S.A. § 259 is added to read:

12 § 259. TASTING EVENTS; AGE AND TRAINING OF SERVERS

13 No individual who is under 18 years of age or who has not received training
14 as required by the Department may serve alcoholic beverages at a tasting event
15 under this subchapter.

16 Sec. 56. 7 V.S.A. § 271 is added to read:

17 § 271. MANUFACTURER'S OR RECTIFIER'S LICENSE

18 (a) The Liquor Control Board may grant a manufacturer's or rectifier's
19 license upon application and payment of the fee required pursuant to section
20 204 of this title that permits the license holder to manufacture or rectify:

21 (1) malt beverages;

1 (2) vinous beverages and fortified wines; or

2 (3) spirits and fortified wines.

3 (b) Except as otherwise provided in section 224 of this title and subsections

4 (d)–(f) of this section:

5 (1) spirits and fortified wine may be manufactured for sale to the Liquor
6 Control Board or for export, or both; and

7 (2) malt beverages and vinous beverages may be manufactured or
8 rectified for sale to packagers or wholesale dealers, or for export, or both.

9 (c) A licensed manufacturer of vinous beverages or fortified wines may
10 receive from another manufacturer licensed in or outside this State bulk
11 shipments of vinous beverages to rectify with the licensee’s own product,
12 provided that the vinous beverages or fortified wines produced by the licensed
13 manufacturer may contain no more than 25 percent imported vinous beverages.

14 (d)(1) The Liquor Control Board may grant to a licensed manufacturer or
15 rectifier a first-class license or a first- and a third-class license permitting the
16 licensee to sell alcoholic beverages to the public at an establishment located at
17 the manufacturer’s premises, provided the manufacturer or rectifier owns or
18 has direct control over that establishment.

19 (2) For a manufacturer of malt beverages, the premises of the
20 manufacturer may include up to two licensed establishments that are located on

1 the contiguous real estate of the license holder, provided the manufacturer
2 owns or has direct control over both establishments.

3 (e) The Liquor Control Board may grant a licensed manufacturer of malt
4 beverages a second-class license permitting the licensee to sell alcoholic
5 beverages to the public anywhere on the manufacturer's premises.

6 (f)(1) A licensed manufacturer or rectifier may serve alcoholic beverages
7 with or without charge at an event held on the premises of the licensee or at a
8 location on the contiguous real estate of the licensee provided the licensee at
9 least five days before the event gives the Department written notice of the
10 event, including details required by the Department.

11 (2) Any beverages not manufactured by the licensee and served at the
12 event shall be purchased on invoice from a licensed manufacturer or wholesale
13 dealer or the Liquor Control Board.

14 Sec. 57. REPEAL

15 7 V.S.A. chapter 11 (Certificates of Approval) is repealed.

16 Sec. 58. 7 V.S.A. § 274 is added to read:

17 § 274. CERTIFICATE OF APPROVAL FOR DISTRIBUTION OF MALT
18 OR VINOUS BEVERAGES

19 (a) The Liquor Control Board may grant to a manufacturer or distributor of
20 malt or vinous beverages that is not licensed under the provisions of this title a

1 certificate of approval if the manufacturer or distributor does all of the
2 following:

3 (1) Submits an application on a form prescribed by the Board, including
4 any additional information that the Board may deem necessary.

5 (2) Agrees to comply with the rules of the Board.

6 (3) Pays the fee provided in section 204 of this title to the Department of
7 Liquor Control by a certified check payable to the State of Vermont or another
8 form of payment approved by the Liquor Control Board. If the Board does not
9 grant the application, the certified check or payment shall be returned to the
10 applicant.

11 (b) A certificate of approval shall permit the holder to export malt or
12 vinous beverages, or sell malt or vinous beverages to holders of packagers' or
13 wholesale dealers' licenses issued under section 272 or 273 of this title, or
14 both.

15 (c) A holder of a packager's or a wholesale dealer's license issued under
16 this title shall not purchase within or outside the State, or import or cause to be
17 imported into the State, any malt or vinous beverages unless the person,
18 partnership, manufacturer, association or corporation, or distributor from
19 which the beverages are obtained holds a valid certificate of approval or
20 packager's license.

1 (d)(1) The Liquor Control Board may suspend or revoke a certificate of
2 approval if the holder fails to comply with the rules of the Board or to submit
3 reports to the Commissioner of Taxes in accordance with all applicable laws
4 and rules.

5 (2)(A) A certificate of approval shall not be revoked unless the holder
6 has been given a hearing following reasonable notice.

7 (B) Notice of a revocation or suspension shall be sent to each holder
8 of a packager's or wholesaler's license prior to the effective date of the
9 revocation or suspension.

10 (e) A person who violates a provision of this section shall be fined not
11 more than \$300.00 or imprisoned not more than one year, or both, for each
12 offense and shall forfeit any license issued under the provisions of this title.

13 Sec. 59. REPEAL

14 7 V.S.A. chapter 13 (Solicitor's License) is repealed.

15 Sec. 60. 7 V.S.A. § 275 is added to read:

16 § 275. SOLICITOR'S LICENSE

17 (a) The Liquor Control Board may grant an individual a solicitor's license
18 if he or she does all of the following:

19 (1) Submits an application to the Liquor Control Board on a form
20 prescribed by the Board. The application shall include, at a minimum, the
21 name, residence, and business address of the applicant, the name and address

1 of the vendor or employer to be represented by the applicant, and an agreement
2 by the applicant to comply with the rules of the Board.

3 (2) Submits to the Board a recommendation by the vendor to be
4 represented by the applicant that indicates the applicant is qualified to hold a
5 solicitor's license.

6 (3) Pays the fee required pursuant to section 204 of this title to the
7 Department of Liquor Control by certified check made payable to the State of
8 Vermont. The certified check shall be returned to the applicant if the Board
9 does not grant him or her a license under this section.

10 (b) A solicitor's license holder may solicit orders for and promote the sale
11 of malt or vinous beverages by canvassing or interviewing holders of licenses
12 issued under the provisions of this title.

13 (c) The Liquor Control Board may suspend or revoke a solicitor's license
14 for failure to comply with any rule of the Board or for other cause. A
15 solicitor's license shall not be revoked until the license holder has had an
16 opportunity for a hearing following reasonable notice.

17 (d) A person who solicits orders for, or promotes the sale of malt or vinous
18 beverages, or attempts to solicit or promote the sale of malt or vinous
19 beverages by canvassing or interviewing a holder of a license issued under the
20 provisions of this title, without having first obtained a solicitor's license as
21 provided in this section, or who makes a false or fraudulent statement or

1 representation in an application for the license or in connection with an
2 application shall be imprisoned not more than six months or fined not more
3 than \$500.00, or both.

4 Sec. 61. 7 V.S.A. § 276 is added to read:

5 § 276. INDUSTRIAL ALCOHOL DISTRIBUTOR’S LICENSE

6 (a) The Liquor Control Board may grant an industrial alcohol distributor’s
7 license upon application and payment of the fee required pursuant to section
8 204 of this title.

9 (b) Alcohol sold under an industrial alcohol distributor’s license may only
10 be used for manufacturing, mechanical, medicinal, and scientific purposes.

11 Sec. 62. 7 V.S.A. § 277 is added to read:

12 § 277. MALT AND VINOUS BEVERAGE CONSUMER SHIPPING

13 LICENSE

14 (a)(1) A manufacturer or rectifier of malt or vinous beverages licensed in
15 Vermont may be granted an in-state consumer shipping license by filing with
16 the Department of Liquor Control an application in a form required by the
17 Commissioner accompanied by a copy of the applicant’s current Vermont
18 manufacturer’s license and the fee required by section 204 of this title.

19 (2) An in-state consumer shipping license may be renewed annually by
20 submitting to the Department the renewal fee required by section 204 of this

1 title accompanied by a copy of the licensee’s current Vermont manufacturer’s
2 license.

3 (b)(1) A manufacturer or rectifier of malt or vinous beverages licensed in
4 another state that operates a brewery or winery in the United States and holds
5 valid state and federal permits and licenses may be granted an out-of-state
6 consumer shipping license by filing with the Department of Liquor Control an
7 application in a form required by the Commissioner accompanied by copies of
8 the applicant’s current out-of-state manufacturer’s license and the fee required
9 by section 204 of this title.

10 (2) An out-of-state consumer shipping license may be renewed annually
11 by submitting to the Department the renewal fee required by section 204 of this
12 title accompanied by the licensee’s current out-of-state manufacturer’s license.

13 (3) As used in this section, “out-of-state” means any state other than
14 Vermont, any territory or possession of the United States, and does not include
15 a foreign country.

16 (c)(1) A consumer shipping license granted pursuant to this section shall
17 permit the licensee to ship malt or vinous beverages produced by the licensee
18 to private residents for personal use and not for resale.

19 (2) A licensee shall not ship more than 12 cases of malt beverages
20 containing no more than 36 gallons of malt beverages or no more than 12 cases

1 of vinous beverages containing no more than 29 gallons of vinous beverages to
2 any one Vermont resident in any calendar year.

3 (3) The beverages shall be shipped by common carrier certified by the
4 Department pursuant to section 280 of this subchapter. The common carrier
5 shall comply with all the following:

6 (A) deliver beverages pursuant to an invoice that includes the name
7 of the licensee and the name and address of the purchaser;

8 (B) on delivery, require a valid authorized form of identification, as
9 defined in section 588 of this title, from a recipient who appears to be under 30
10 years of age; and

11 (C) require the recipient to sign an electronic or paper form or other
12 acknowledgment of receipt.

13 Sec. 63. 7 V.S.A. § 278 is added to read:

14 § 278. VINOUS BEVERAGE RETAIL SHIPPING LICENSE

15 (a) A manufacturer or rectifier of vinous beverages that is licensed in-state
16 or out-of-state and holds valid state and federal permits and operates a winery
17 in the United States may apply for a retail shipping license by filing with the
18 Department of Liquor Control an application in a form required by the
19 Commissioner accompanied by a copy of its in-state or out-of-state license and
20 the fee required by section 204 of this title.

1 (b) The retail shipping license may be renewed annually by submitting to
2 the Department the renewal fee as required by section 204 of this title
3 accompanied by the licensee’s current in-state or out-of-state manufacturer’s
4 license.

5 (c) A retail shipping license holder, including the holder’s affiliates,
6 franchises, and subsidiaries, may sell up to 5,000 gallons of vinous beverages
7 per year directly to first- or second-class licensees and deliver the beverages by
8 common carrier, the manufacturer’s or rectifier’s own vehicle, or the vehicle of
9 an employee of a manufacturer or rectifier, provided that the beverages are
10 sold on invoice, and no more than 100 gallons per month are sold to any single
11 first- or second-class licensee.

12 (d) The retail shipping license holder shall provide to the Department
13 documentation of the annual and monthly number of gallons sold.

14 (e) Vinous beverages sold under this section may be delivered by the
15 vehicle of a second-class license holder if the second-class licensee cannot
16 obtain the vinous beverages from a wholesale dealer.

17 Sec. 64. 7 V.S.A. § 279 is added to read:

18 § 279. CONSUMER AND RETAIL SHIPPING LICENSES; GENERAL

19 REQUIREMENTS

20 A holder of a shipping license granted pursuant to section 277 or 278 of this
21 subchapter shall comply with all of the following:

1 (1) Ensure that all containers of alcoholic beverages are shipped in a
2 container that is clearly labeled: “contains alcohol; signature of individual 21
3 years of age or older required for delivery.”

4 (2) Not ship to any address in a municipality that the Department of
5 Liquor Control identifies as having voted to be “dry.”

6 (3) Retain a copy of each record of sale for a minimum of five years
7 from the date of shipping.

8 (4) Report at least twice per year to the Department if a holder of a
9 consumer shipping license and once per year if a holder of a retail shipping
10 license in a manner and form required by the Commissioner all the following
11 information:

12 (A) the total amount of malt or vinous beverages shipped into or
13 within the State during the preceding six months if a holder of a consumer
14 shipping license or during the preceding 12 months if a holder of a retail
15 shipping license;

16 (B) the names and addresses of the purchasers to whom the
17 beverages were shipped; and

18 (C) the date purchased, the quantity and value of each shipment, and,
19 if applicable, the name of the common carrier used to make each delivery.

20 (5) Pay to the Commissioner of Taxes the amount of tax on the malt or
21 vinous beverages shipped pursuant to this chapter as provided in section 421 of

1 this title, and comply with the provisions of 32 V.S.A. chapter 233, 24 V.S.A.
2 § 138, and any other legally authorized local sales taxes. Delivery in this State
3 shall be deemed to constitute a sale in this State at the place of delivery and
4 shall be subject to all appropriate taxes levied by the State of Vermont.

5 (6) Permit the State Treasurer, the Department of Liquor Control, and
6 the Department of Taxes, separately or jointly, upon request, to perform an
7 audit of its records.

8 (7) If an out-of-state license holder, be deemed to have consented to the
9 jurisdiction of the Liquor Control Board, Department of Liquor Control, or any
10 other State agency and the Vermont State courts concerning enforcement of
11 this or other applicable laws and rules.

12 (8) Not have any direct or indirect financial interest in a Vermont
13 wholesale dealer or retail dealer, including a first-, second-, or third-class
14 licensee.

15 (9) Comply with all applicable laws and Liquor Control Board rules.

16 (10) Comply with the beverage container deposit redemption system
17 pursuant to 10 V.S.A. chapter 53.

18 Sec. 65. 7 V.S.A. § 280 is added to read:

19 § 280. COMMON CARRIERS; REQUIREMENTS

20 (a) A common carrier shall not deliver malt or vinous beverages pursuant
21 to this chapter until it has complied with the training provisions in subsections

1 213(a) and (b) and subdivision 213(d)(5) of this title and been certified by the
2 Department of Liquor Control.

3 (b) No employee of a certified common carrier may deliver malt or vinous
4 beverages until that employee completes the training required pursuant to
5 subsection 213(c) of this title.

6 (c) A certified common carrier shall deliver only malt or vinous beverages
7 that have been shipped by the holder of a license issued under section 277 or
8 278 of this subchapter or vinous beverages that have been shipped by the
9 holder of a vinous beverage storage license issued under section 283 of this
10 subchapter.

11 Sec. 66. 7 V.S.A. § 281 is added to read:

12 § 281. PROHIBITIONS

13 (a)(1) Except as otherwise provided in section 226 of this title, direct
14 shipments of malt or vinous beverages are prohibited if the shipment is not
15 specifically authorized and in compliance with sections 277–280 of this
16 subchapter.

17 (2) Any person who knowingly makes, participates in, imports, or
18 receives a direct shipment of malt or vinous beverages from a person who is
19 not licensed or certified as required by sections 226 or 277–280 of this title
20 may be fined not more than \$1,000.00 or imprisoned not more than one year,
21 or both.

1 (b) The holder of a license issued pursuant to section 277 or 278 of this title
2 or a common carrier that ships malt or vinous beverages to an individual under
3 21 years of age shall be fined not less than \$1,000.00 or more than \$3,000.00
4 or imprisoned not more than two years, or both.

5 (c) For any violation of sections 277–280 of this subchapter, the Liquor
6 Control Board may suspend or revoke a license issued under section 277 or
7 278 of this subchapter, in addition to any other remedies available to the
8 Board.

9 Sec. 67. 7 V.S.A. § 282 is added to read:

10 § 282. RULEMAKING

11 The Liquor Control Board and the Commissioner of Taxes may adopt rules
12 and forms necessary to implement sections 277–281 of this subchapter.

13 Sec. 68. 7 V.S.A. § 68 is redesignated and amended to read:

14 § 68 283. VINOUS BEVERAGE STORAGE AND SHIPPING LICENSE

15 (a) The ~~liquor control board~~ Liquor Control Board may, pursuant to rules
16 adopted by the Board, grant a vinous beverage storage and shipping license to
17 a person ~~who operates~~ that submits an application and pays the fee required
18 pursuant to section 204 of this title.

19 (b)(1) A vinous beverage storage and shipping licensee may operate a
20 climate-controlled storage facility in which vinous beverages owned by
21 another person are stored for a fee a license that allows the licensee to store

1 and may transport vinous beverages on which all applicable taxes already have
2 been paid.

3 (2) A vinous beverage storage facility may also accept shipments from
4 any licensed in-state or out-of-state vinous manufacturer that has an in-state or
5 out-of-state consumer shipping license pursuant to section ~~66~~ 277 of this title.

6 (3) Vinous beverages stored by the licensee may be transported only for
7 shipment to the owner of the beverages or to another licensed vinous beverage
8 storage facility, and the beverages shall be shipped only by common carrier in
9 compliance with ~~subsection 66(f)~~ section 280 of this title. ~~The licensee shall~~
10 ~~pay a fee pursuant to subdivision 231(a)(20) of this title. A license under this~~
11 ~~section shall be issued pursuant to rules adopted by the board.~~

12 (c) A person granted a license pursuant to this section may not sell or resell
13 any vinous beverages stored at the storage facility.

14 Sec. 69. 7 V.S.A. § 421 is amended to read:

15 § 421. TAX ON MALT AND VINOUS BEVERAGES

16 (a) Every ~~bottler~~ packager and wholesaler shall pay to the Commissioner of
17 Taxes the sum of 26 and one-half cents per gallon for every gallon or its
18 equivalent of malt ~~beverage~~ beverages containing not more than six percent of
19 alcohol by volume at 60 degrees Fahrenheit sold by them to retailers in the
20 State and the sum of 55 cents per gallon for each gallon of malt ~~beverage~~
21 beverages containing more than six percent of alcohol by volume at 60 degrees

1 Fahrenheit and each gallon of vinous beverages sold by them to retailers in the
2 State ~~and shall also pay to the Liquor Control Board all fees for bottler's and~~
3 ~~wholesaler's licenses.~~ A manufacturer or rectifier of malt or vinous beverages
4 shall pay the taxes required by this subsection to the Commissioner of Taxes
5 for all malt and vinous beverages manufactured or rectified by them and sold at
6 retail.

7 (b) A ~~bottler~~ packager or wholesaler may sell malt or vinous beverages to
8 any duly authorized agency of the U.S. Armed Forces on the Ethan Allen Air
9 Force Reservation in the towns of Colchester and Essex ~~or~~ the firing range of
10 the U.S. Armed Forces in the towns of Bolton, Jericho, and Underhill ~~and~~ at
11 the Air Force bases at St. Albans ~~and~~ at the North Concord Air Force Station
12 at North Concord, or any other U.S. Armed Forces' installation presently
13 existing in the State or which may in the future be established as though to a
14 retail dealer but without the payment of the gallonage tax, subject to the filing
15 of the returns ~~hereinafter~~ as provided in subsection (c) of this section.

16 (c)(1) For the purpose of ascertaining the amount of tax, on the filing dates
17 set out in subdivision (2) of this subsection according to tax liability, each
18 ~~bottler and~~ packager, wholesaler, manufacturer, or rectifier shall transmit to the
19 Commissioner of Taxes, upon a form prepared and furnished by the
20 Commissioner, a statement or return under oath or affirmation showing the
21 quantity of malt and vinous beverages sold by the ~~bottler or~~ packager,

1 wholesaler, manufacturer, or rectifier during the preceding filing period, and
2 report any other information requested by the Commissioner accompanied by
3 payment of the tax required by this section. The amount of tax computed
4 under subsection (a) of this section shall be rounded to the nearest whole cent.
5 At the same time this form is due, each ~~bottler and~~ packager, wholesaler,
6 manufacturer, or rectifier also shall transmit to the Commissioner in electronic
7 format a separate report showing the description, quantity, and price of malt
8 and vinous beverages sold by the ~~bottler or~~ packager, wholesaler,
9 manufacturer, or rectifier to each retail dealer as defined in subdivision ~~2(18)~~
10 2(29) of this title; provided, however, for direct sales to retail dealers by
11 manufacturers or rectifiers of vinous beverages, the report required by this
12 subsection may be submitted in a nonelectronic format.

13 (2) Where the tax liability for the immediately preceding full calendar
14 year has been (or would have been in cases when the business was not
15 operating for the entire year):

16 (A) \$2,000.00 or less, then payment of the tax and submission of the
17 documents required by this section shall be due and payable in quarterly
18 installments on or before the 25th day of the calendar month succeeding the
19 quarter ending the last day of March, June, September, and December of each
20 year; or

1 Sec. 71. 7 V.S.A. § 425 is amended to read:

2 § 425. TAXES A PERSONAL DEBT; ACTION FOR RECOVERY

3 All taxes imposed by this title and all increases, interest, and penalties
4 ~~thereon~~ on those taxes, from the time they become due and payable, shall
5 become a personal debt, from the person liable to pay the ~~same~~, amounts due
6 to the ~~state~~ State of Vermont, ~~to~~ and may be recovered in an a civil action on
7 ~~this statute~~ brought pursuant to this section.

8 Sec. 72. 7 V.S.A. § 501 is amended to read:

9 § 501. UNLAWFUL SALE OF ~~INTOXICATING LIQUORS~~ ALCOHOLIC
10 BEVERAGES; CIVIL ACTION FOR DAMAGES

11 (a) Action for damages. A spouse, child, guardian, employer, or other
12 person who is injured in person, property, or means of support by an
13 intoxicated person, or in consequence of the intoxication of any person, shall
14 have a right of action in his or her own name, jointly or severally, against any
15 person or persons who have caused in whole or in part ~~such~~ the intoxication by
16 selling or furnishing ~~intoxicating liquor~~ alcoholic beverages:

17 (1) to a minor as defined in section 2 of this title;

18 (2) to a person apparently under the influence of ~~intoxicating liquor~~
19 alcohol;

20 (3) to a person after legal serving hours; or

1 (4) to a person ~~whom~~ who it would be reasonable to expect would be
2 under the influence of ~~intoxicating liquor~~ alcohol as a result of the amount of
3 ~~liquor~~ alcoholic beverages served by the defendant to that person.

4 (b) Survival of action; joint action. Upon the death of either party, the
5 action and right of action shall survive to or against the party's executor or
6 administrator. The party injured or his or her legal representatives may bring
7 either a joint action against the person intoxicated ~~and~~, the person or persons
8 who furnished the ~~liquor~~ alcoholic beverages, and an owner who may be liable
9 under subsection (c) of this section, or a separate action against either or any of
10 them.

11 (c) Landlord liability.

12 (1) If the ~~intoxicating liquor was~~ alcoholic beverages were sold or
13 furnished to the intoxicated person in a rented building, the owner may be
14 joined as a defendant in the action, and judgment ~~therein~~ in the action may be
15 rendered against the owner, if the owner of the building or in the case of a
16 corporation, its agent, knew or had reason to know that ~~intoxicating liquor was~~
17 alcoholic beverages were sold or furnished by the tenant:

18 (1)(A) to minors as defined in section 2 of this title;

19 (2)(B) to persons apparently under the influence of ~~intoxicating~~
20 ~~liquor~~ alcohol;

21 (3)(C) to persons after legal serving hours; or

1 ~~(4)(D)~~ to persons ~~whom~~ who it would be reasonable to expect would
2 be under the influence of ~~intoxicating liquor~~ alcohol as a result of the amount
3 of ~~liquor~~ alcoholic beverages served to them by the tenant.

4 (2) It shall be an affirmative defense to an action against an owner that
5 the owner took reasonable steps to prevent the sale of ~~intoxicating liquor~~
6 alcoholic beverages under the circumstances described in this subsection or to
7 evict the tenant.

8 (d) Statute of limitations. An action to recover ~~for~~ damages under this
9 section shall be commenced within two years after the cause of action accrues,
10 and not after.

11 (e) Evidence.

12 (1) In an action brought under this section, evidence of responsible
13 actions taken or not taken is admissible, if otherwise relevant.

14 (2) Responsible actions may include, ~~but are not limited to,~~ instruction
15 of servers as to laws governing the sale of alcoholic beverages, training of
16 servers regarding intervention techniques, admonishment to patrons or guests
17 concerning laws regarding the consumption of ~~intoxicating liquor~~ alcoholic
18 beverages, and inquiry under the methods provided by law as to the age or
19 degree of intoxication of the persons involved.

1 (f) Right of contribution. A defendant in an action brought under this
2 section has a right of contribution from any other responsible person or
3 persons, which may be enforced in a separate action brought for that purpose.

4 (g) Social host.

5 (1) Except as set forth in subdivision (2) of this subsection, nothing in
6 this section shall create a statutory cause of action against a social host for
7 furnishing ~~intoxicating liquor~~ alcoholic beverages to any person without
8 compensation or profit, if the social host is not a licensee or required to be a
9 ~~licensee~~ licensed under this title. However, this subdivision shall not be
10 construed to limit or otherwise affect the liability of a social host for
11 negligence at common law.

12 (2) A social host who knowingly furnishes ~~intoxicating liquor~~ alcoholic
13 beverages to a minor may be held liable under this section if the social host
14 knew, or a reasonable person in the same circumstances would have known,
15 that the person who received the ~~intoxicating liquor~~ alcoholic beverages was a
16 minor.

17 (h) Definitions. ~~For the purpose of~~ As used in this section:

18 (1) “Apparently under the influence of ~~intoxicating liquor~~ alcohol”
19 means a state of intoxication accompanied by a perceptible act or series of
20 actions which present signs of intoxication.

1 (2) “Social host” means a person who is not the holder of a ~~liquor~~
2 license or permit under this title and is not required to hold a license or permit
3 under this title ~~to hold a liquor license~~.

4 Sec. 73. 7 V.S.A. § 502 is amended to read:

5 § 502. MINORS; PAYMENT OF DAMAGES RECOVERED

6 All damages recovered by a minor in ~~such an action~~ under section 501 of
7 this chapter shall be paid over to ~~such the~~ minor or to his or her guardian on
8 ~~such whatever~~ terms as the court may order.

9 Sec. 74. 7 V.S.A. § 503 is amended to read:

10 § 503. SATISFACTION OF JUDGMENT; REVOCATION OF LICENSE

11 If ~~a judgment recovered against a licensee under the provisions of~~ fails to
12 satisfy a judgment entered under section 501 of this title ~~remains unsatisfied~~
13 for 30 days after ~~the entry thereof~~ the judgment is entered, the ~~board of local~~
14 control commissioners or the ~~liquor control board~~ Liquor Control Board shall
15 revoke ~~his its~~ license. A license shall not be granted to a person against whom
16 ~~such a~~ judgment has been recovered, until the ~~same~~ judgment is satisfied.

17 Sec. 75. 7 V.S.A. § 504 is amended to read:

18 § 504. ~~ACTION FOUNDED ON TORT; CERTIFIED EXECUTION~~

19 ~~A judgment for the plaintiff under section 501 of this title shall be treated as~~
20 ~~rendered in an action founded on tort. At the time of such judgment, the court~~
21 ~~shall adjudge that the cause of action arose from the wilful and malicious act of~~

1 ~~the defendant, and that he or she ought to be confined in close jail, and a~~
2 ~~certificate thereof shall be stated in or upon the execution. [Repealed.]~~

3 *[Proposed for repeal as obsolete. Close jail execution for an action founded*
4 *on tort was provided for under former 12 V.S.A. § 3624, which was repealed*
5 *pursuant to 1979 Act No. 67, § 9. Pursuant to 12 V.S.A. § 3521, “no person*
6 *may be imprisoned on an execution . . . to enforce a judgment in any civil*
7 *action for money damages.”]*

8 Sec. 76. 7 V.S.A. § 505 is redesignated and amended to read:

9 § ~~505~~ 504. NOTICE TO PROHIBIT SALES TO CERTAIN PERSONS

10 The father, mother, ~~husband, wife~~ spouse, child, ~~brother, sister~~ sibling,
11 guardian, or employer of a person may, in writing, notify ~~any board of the local~~
12 ~~control commissioners as defined in section 2 of this title, who~~ of a need to
13 prohibit sales of alcoholic beverages to a specific person. The control
14 commissioners may, on investigation, ~~forbid the sale~~ prohibit licensees within
15 the control commissioners’ jurisdiction from selling or furnishing of spirits,
16 fortified wines, ~~or malt or~~ beverages, vinous beverages, or all four, ~~by~~
17 ~~licensees as defined in section 2 of this title, within the jurisdiction of that~~
18 ~~board of control commissioners~~ to that person.

1 Sec. 77. 7 V.S.A. § 506 is redesignated and amended to read:

2 § ~~506~~ 505. RECORD OF NOTICES

3 (a)(1) ~~Such board of~~ The local control commissioners shall place on file the
4 notices received under section 505 of this title ~~and they~~. Notices placed on file
5 shall be open to public inspection at reasonable times, except that the notices
6 of a ~~husband, father, wife, child, mother or a sister provided for in section 505~~
7 ~~of this title, spouse, child, or sibling~~ shall not be open to inspection nor be
8 disclosed by ~~such board of~~ the control commissioners.

9 (2) Upon receipt of a notice, ~~such board of~~ the control commissioners
10 may, upon investigation, give written notice forbidding the sale or furnishing
11 of spirits, fortified wines, ~~or malt and~~ beverages, vinous beverages, or all four
12 to ~~such~~ the person named in the notice and to all licensees within the
13 jurisdiction of ~~such board of~~ the control commissioners.

14 (b) Copies of all notices sent by ~~a board of~~ the control commissioners shall
15 be promptly furnished ~~forthwith~~ to the Commissioner of Liquor Control who
16 may ~~upon receipt of such copy~~ forbid the sale of spirits and fortified wines by
17 any State agency or agencies to ~~such~~ the person named in the notice.

18 Sec. 78. 7 V.S.A. § 561 is amended to read:

19 § 561. AUTHORITY OF LIQUOR CONTROL INVESTIGATORS;

20 ARREST FOR UNLAWFULLY MANUFACTURING,

1 town grand juror, or two reputable citizens of the county, make a complaint
2 under oath or affirmation, ~~before to~~ a judge of ~~a criminal division~~ the Criminal
3 Division of the ~~superior court~~ Superior Court, that he or she or they have
4 reason to believe that ~~malt or vinous beverages or spirituous liquor~~ alcoholic
5 beverages or alcohol are kept or deposited for sale or distribution contrary to
6 law, or that alcohol is manufactured or possessed contrary to law, in any kind
7 of vehicle, air or water craft, or other conveyance, or a dwelling house, store,
8 shop, steamboat, or water craft of any kind, depot, railway car, motor vehicle
9 or land or air carriage of any kind, warehouse or other building or place in the
10 county, the judge shall issue a warrant to search the premises described in the
11 complaint.

12 (b) If the ~~liquor~~ alcoholic beverages or alcohol is found ~~therein~~ there under
13 circumstances warranting the belief that it is intended for sale or distribution
14 contrary to law, or if ~~the~~ alcohol is found ~~therein~~ in that place under
15 circumstances warranting the belief that it is unlawfully manufactured or
16 possessed, or if any still, or ~~any~~ other apparatus for the manufacture of alcohol
17 is found ~~therein~~ in that place, the officer shall seize and convey the ~~same~~
18 alcoholic beverages, alcohol, or still or other apparatus to ~~some~~ a secure place
19 of security, and keep it until ~~final action is had thereon~~ the court renders a final
20 judgment on it.

1 Sec. 80. 7 V.S.A. 564 is redesignated and amended to read:

2 § ~~564~~ 563. SEARCH OF PREMISES WITHOUT WARRANT

3 (a) A sheriff, deputy sheriff, constable, police officer, selectboard member,
4 or grand juror who has information that ~~malt, vinous, and spirituous liquor~~
5 malt beverages, vinous beverages, spirits, fortified wines, or alcohol is kept
6 with intent to sell, or is sold contrary to law in ~~a tent, shanty, hut, or place of~~
7 ~~any kind for selling refreshments in a~~ any kind of public place for selling
8 refreshments, except a dwelling houses house, on or near the ~~ground~~ grounds
9 of a ~~cattle show, agricultural exhibition, military muster,~~ or public occasion of
10 any kind; shall search ~~such~~ the suspected place without a warrant.

11 (b)(1) If ~~such~~ the officer finds ~~such liquor~~ alcoholic beverages or alcohol
12 upon the premises, he or she shall seize ~~the same~~ it and apprehend the keeper
13 of ~~such~~ the place and take him or her, without the ~~liquor so~~ seized alcoholic
14 beverages or alcohol, ~~forthwith~~ or as soon as ~~conveniently may be~~ practicable,
15 before a ~~district~~ judge of the Criminal Division of the Superior Court in whose
16 the jurisdiction where the ~~same~~ alcoholic beverages or alcohol is found, ~~and~~
17 ~~thereupon such.~~

18 (2) The officer shall make a written complaint under oath, ~~subscribed by~~
19 ~~him or her,~~ affirmation to ~~such magistrate~~ the judge, setting forth the details
20 of the finding of ~~such liquor~~ the alcoholic beverages or alcohol.

1 (c)(1) Upon proof that ~~the liquor is intoxicating and that the same was the~~
2 alcoholic beverages or alcohol were found in the possession of the accused in a
3 ~~tent, shanty, or other~~ a public place, with intent to sell, the ~~liquor~~ seized
4 alcoholic beverages or alcohol shall be adjudged forfeited and disposed of by
5 order of ~~such magistrate~~ the court, as provided in this chapter. ~~Such~~

6 (2) ~~The~~ owner or keeper shall be proceeded against, ~~as provided in~~
7 pursuant to this chapter, for keeping ~~such malt and vinous beverage, spirituous~~
8 ~~liquor,~~ the alcoholic beverages or alcohol with intent to sell.

9 Sec. 81. 7 V.S.A. § 565 is redesignated and amended to read:

10 § ~~565~~ 564. NOTICE OF SEIZURE; HEARING; FEES

11 ~~The~~ An officer who ~~makes a seizure of malt, vinous or spirituous liquor or~~
12 pursuant to section 562 or 563 of this chapter ~~seizes alcoholic beverages,~~
13 alcohol, or a still or other apparatus for the manufacture of alcohol, with or
14 without a warrant, shall ~~forthwith~~ promptly give notice ~~thereof~~ of the seizure to
15 a grand juror of the town in which ~~such~~ the seizure is made, or to the ~~state's~~
16 ~~attorney~~ State's Attorney of the county. ~~Such~~ The grand juror or ~~state's~~
17 ~~attorney~~ State's Attorney shall then attend and act in behalf of the ~~state~~ State at
18 the hearing against the ~~liquor~~ seized alcoholic beverages, alcohol, still, or
19 ~~apparatus so seized, and the.~~ An officer making ~~the~~ a seizure without a
20 warrant shall be allowed the same fees as if he or she had acted under a
21 warrant.

1 Sec. 82. 7 V.S.A. § 566 is redesignated and amended to read:

2 § ~~566~~ 565. ARREST OF OWNER OF SEIZED PROPERTY

3 The officer shall promptly apprehend and bring ~~forthwith~~ before the
4 ~~magistrate court~~ the owner ~~and~~, keeper, and all persons having ~~the~~ custody of,
5 or exercising any control over, the ~~liquor~~ alcoholic beverages, alcohol, or other
6 property seized pursuant to section 562 or 563 of this chapter, ~~either~~ whether
7 as principal, clerk, servant, or agent.

8 Sec. 83. 7 V.S.A. § 567 is redesignated and amended to read:

9 § ~~567~~ 566. ARREST OF OWNER OF BUILDING

10 If the owner or keeper of ~~such liquor~~ the alcoholic beverages, alcohol, or
11 other property seized pursuant to section 562 or 563 of this chapter is unknown
12 to the officer, or if a person is not found in possession or custody of the ~~same~~
13 seized alcoholic beverages, alcohol, or other property, the officer shall
14 apprehend and bring before the ~~magistrate court~~ the owner or occupant of the
15 building or apartments in which ~~such liquor~~ the seized alcoholic beverages,
16 alcohol, or other property was found, if ~~known to him or can be by him~~
17 ascertained he or she knows or can ascertain the person's identity.

18 Sec. 84. 7 V.S.A. § 568 is redesignated and amended to read:

19 § ~~568~~ 567. FORFEITURE OF SEIZED PROPERTY

20 (a) If, ~~upon~~ after a hearing, it appears the court determines that ~~such liquor~~
21 the alcoholic beverages, alcohol, or other property seized pursuant to section

1 562 or 563 of this chapter was intended for sale, distribution, or use contrary to
2 law, it shall be adjudged forfeited and condemned. ~~When liquor~~

3 (b) Alcoholic beverages, alcohol, or other property that is adjudged
4 forfeited and condemned under this section, it shall be turned over to the
5 ~~commissioner of liquor control~~ Commissioner of Liquor Control for the benefit
6 of the ~~state~~ State.

7 Sec. 85. 7 V.S.A. § 569 is redesignated and amended to read:

8 § ~~569~~ 568. COSTS OF FORFEITURE AND CONDEMNATION

9 PROCEEDINGS

10 Upon condemnation of ~~such liquor~~ alcoholic beverages, alcohol, or other
11 property pursuant to section 567 of this title, any and all persons person
12 apprehended and brought before such magistrate the court under sections ~~564~~
13 563 and 566 565 of this title shall be liable ~~to pay~~ for the costs of ~~such the~~
14 proceedings, if, in the judgment of the magistrate court, any of them by
15 themselves, or through clerks, servants, or agents, ~~shall have been;~~

16 (1) engaged in, or aided in, assisted in, or abetted the keeping of such
17 ~~liquor~~ the alcoholic beverages, alcohol, or other property for unlawful sale,
18 distribution, or use, ~~or have been;~~

19 (2) were privy thereto, to the keeping of the alcoholic beverages,
20 alcohol, or other property for unlawful sale, distribution, or use; or have

1 (3) knowingly permitted the use of any building or apartments ~~by them~~
2 the person owned or controlled, for ~~the~~ storing or keeping ~~of such liquor~~ the
3 alcoholic beverages, alcohol, or other property for ~~such~~ unlawful sale,
4 distribution, or use.

5 Sec. 86. 7 V.S.A. § 570 is redesignated and amended to read:

6 § ~~570~~ 569. EXECUTION FOR COSTS

7 ~~Against any and all persons by the magistrate adjudged~~ If the court
8 determines that a person is liable to pay for the costs, in case of the
9 proceedings pursuant to section 568 of this title and the costs are not paid, the
10 ~~magistrate court,~~ after a hearing, shall issue an execution in favor of the ~~state~~
11 State and against the ~~body or bodies of the persons,~~ person that is liable for the
12 costs; ~~upon which.~~ The execution shall be certified as follows: “This
13 execution is issued for the costs of the seizure and condemnation of
14 ~~intoxicating liquor~~ alcoholic beverages, alcohol, or a still or other apparatus for
15 the manufacture of alcohol that was kept in violation of law.” ~~Persons~~
16 ~~committed upon the executions shall not be admitted to the liberties of the jail~~
17 ~~yard.~~ *[Proposed repeal of language relating to execution “against the body”*
18 *and the final sentence as obsolete because chapter providing for close jail*
19 *executions was repealed pursuant to 1979, Act. No. 67, § 9]*

1 Sec. 87. 7 V.S.A. § 571 is redesignated and amended to read:

2 § ~~571~~ 570. SEARCH OF VEHICLE OR CRAFT WITHOUT WARRANT

3 (a) If a sheriff, deputy sheriff, constable, police officer, the Commissioner
4 of Liquor Control ~~or, an inspector investigator~~ duly acting for the Liquor
5 Control Board, or State Police ~~has reason to believe and does believe, officer~~
6 reasonably believes that a person is engaged in ~~the act of~~ unlawfully
7 smuggling, delivering, or transporting, in violation of law, malt or vinous
8 beverages, spirits, fortified wines, alcoholic beverages or alcohol in any
9 wagon, buggy, automobile, motor vehicle, air or water craft, or other ~~vehicle~~
10 conveyance, he or she shall search for and seize without warrant, ~~malt or~~
11 vinous beverages, spirits, fortified wines, any alcoholic beverages or alcohol
12 found ~~therein~~ in the vehicle, air or water craft, or other conveyance being
13 smuggled, delivered, or transported contrary to law.

14 (b) Whenever ~~malt or vinous beverages, spirits, fortified wines, an officer~~
15 seizes alcoholic beverages or alcohol, being unlawfully transported ~~unlawfully~~
16 ~~or alcohol~~ or possessed illegally shall be seized by such officer pursuant to
17 subsection (a) of this section, he or she shall take possession of the vehicle,
18 ~~team, automobile, boat,~~ air or water craft, or other conveyance and shall arrest
19 the person in charge ~~thereof~~ of it.

1 Sec. 88. 7 V.S.A. § 572 is redesignated and amended to read:

2 § ~~572~~ 571. FORFEITURE AND CONDEMNATION OF SEIZED VEHICLE
3 OR CRAFT

4 (a) If ~~such an~~ officer seizes ~~malt or vinous beverages, spirits, fortified~~
5 ~~wines, alcoholic beverages~~ or alcohol and takes possession of a vehicle, ~~team,~~
6 ~~automobile, boat, air or water craft, or other conveyance in which such malt or~~
7 ~~vinous beverages, spirits, fortified wines, or alcohol is being unlawfully~~
8 ~~transported or in which alcohol is unlawfully possessed,~~ without a warrant
9 pursuant to section 570 of this title, he or she shall ~~forthwith~~ promptly make a
10 complaint, under oath, ~~subscribed by him or her, or affirmation~~ to a judge of
11 the Criminal Division of the Superior Court, in ~~whose~~ the jurisdiction ~~the same~~
12 ~~was seized where the seizure occurred. Thereupon the~~

13 (b) The same proceedings shall be had ~~as with respect to the liquor~~
14 alcoholic beverages or alcohol and the vehicle ~~and team or automobile, motor~~
15 ~~vehicle, boat, air or water craft, or other conveyances as would be had if malt~~
16 ~~or vinous beverages, spirits, or fortified wines had been~~ for alcoholic beverages
17 seized pursuant to section 563 or 564 of this title, except that if the vehicle ~~and~~
18 ~~team, or automobile, boat, air or water craft, or other conveyance, shall be~~
19 ~~finally~~ is adjudged forfeited and condemned ~~the same, it shall~~, upon the written
20 order of the ~~magistrate court, shall~~ be sold at a public sheriff's sale for the
21 benefit of the State. The officer making the sale shall make a return in writing

1 to the court ~~issuing such~~ that issued the order of sale with the proceeds ~~thereof~~
2 from the sale, less his or her expenses and fees for keeping and selling the
3 ~~same~~ vehicle, air or water craft, or other conveyance, which fees shall be the
4 same as for the sale of personal property upon execution.

5 Sec. 89. 7 V.S.A. § 573 is redesignated and amended to read:

6 § ~~573~~ 572. PROCEEDS OF SALE OF CONDEMNED VEHICLE OR
7 CRAFT

8 (a) From the net proceeds of ~~such a~~ sale pursuant to section 571 of this title,
9 the court shall pay all liens, according to their priority ~~which are~~ that:

10 (1) are established by intervention or otherwise at the time the court
11 enters the judgement of forfeiture ~~being adjudged~~ or in other proceedings
12 brought for ~~such that~~ purpose, as being; and

13 (2) are bona fide and ~~having been~~ were created without the owner's
14 having any knowledge that the carrying vehicle was ~~being~~ used or ~~was to~~
15 would be used for the illegal ~~transportation~~ transport of ~~malt or vinous~~
16 ~~beverages, spirits, fortified wines,~~ alcoholic beverages or alcohol ~~and~~.

17 (b) The court shall pay the balance of the proceeds to the State Treasurer;
18 ~~as provided for the payment of fines under the provisions of law.~~

1 Sec. 90. 7 V.S.A. § 574 is redesignated and amended to read:

2 § ~~574~~ 573. RIGHTS OF OWNER; ADJOURNED HEARING

3 (a) Nothing ~~herein~~ in this chapter shall be construed to prejudice the rights
4 of ~~the~~ a bona fide owner of any such a vehicle, air or water craft, or other
5 conveyance to have it returned to his or her possession upon affirmative proof
6 ~~by the owner~~ that he or she had no ~~express or implied~~ knowledge that such
7 conveyance it was being used or was to be used for the illegal transportation of
8 ~~malt or vinous beverages, spirits, fortified wines,~~ alcoholic beverages or
9 alcohol, ~~and the owner shall be entitled to a return of the same if provided he~~
10 or she ~~appears~~ enters an appearance before ~~adjudication~~ the court has entered a
11 judgment of forfeiture.

12 (b)(1) If ~~upon,~~ following a hearing, the person in charge of ~~any such a~~
13 vehicle, air or water craft, or other conveyance ~~does not appear~~ is determined
14 not to be the its owner thereof and no person ~~shall claim such conveyance~~ has
15 claimed it, ~~further~~ the hearing shall be continued to a date certain; and the
16 taking of ~~such~~ the vehicle, air or water craft, or other conveyance and the date
17 of the adjourned hearing shall be advertised in ~~some~~ a newspaper; published in
18 the town or county where it was taken ~~and or,~~ if there ~~be~~ is no newspaper
19 published in ~~such~~ the town or county, ~~then~~ in a newspaper having circulation in
20 ~~such~~ the county, once a week for three successive weeks.

1 (2) ~~The magistrate~~ Commissioner of Finance and Management shall
2 provide the court conducting the hearing ~~shall be allowed by the Commissioner~~
3 ~~of Finance and Management~~ with the cost of ~~such~~ the advertising.

4 Sec. 91. 7 V.S.A. § 575 is redesignated and amended to read:

5 § ~~575~~ 574. REOPENING OF FORFEITURE PROCEEDING

6 (a) At any time within one year after ~~such~~ a vehicle, air or water craft, or
7 other conveyance shall have has been adjudged forfeited pursuant to section
8 571 of this title, and upon notice to the state's attorney of the county, a
9 claimant may provide notice to the State's Attorney of the county and, upon
10 showing that he or she had no knowledge of the forfeiture hearing, may apply
11 to the court or magistrate before whom former proceedings were had to that
12 entered the judgment of forfeiture to have the case reopened, provided he or
13 she shall. The court may require the claimant to give security by way of
14 recognizance posting a bond to the state, with State in a sufficient sureties in
15 such sum, as the court directs, conditioned that on the claimant will prosecute
16 prosecuting his or her claim to effect and pay paying the costs awarded against
17 him or her.

18 (b) If upon rehearing ~~such~~ the claimant establishes his or her claim, the
19 ~~court or magistrate~~ shall certify to the ~~commissioner of finance and~~
20 ~~management~~ Commissioner of Finance and Management the amount of ~~such~~
21 the claim, not exceeding which shall not exceed the net amount actually

1 realized by the ~~state~~ State from the sale of ~~such~~ the vehicle, air or water craft,
2 or other conveyance, and the ~~commissioner of finance and management~~
3 Commissioner of Finance and Management shall issue his or her warrant
4 ~~therefor to pay the sum.~~ [*Proposed amendment of bond requirement to avoid*
5 *potential conflict with Constitutional Due Process and Equal Protection*
6 *requirements. See Boddie v. Connecticut, 401 U.S. 371, 380–383 (1971).*]

7 Sec. 92. 7 V.S.A. § 576 is redesignated and amended to read:

8 § ~~576~~ 575. CLAIM BY OWNER, KEEPER, OR POSSESSOR FOR SEIZED
9 GOODS OR APPARATUS; BOND

10 (a)(1) When the owner, keeper, or possessor of ~~malt, vinous, or spirituous~~
11 ~~liquor or~~ alcoholic beverages, alcohol, or a still or other apparatus for the
12 manufacture of alcohol seized under the provisions of this title; appears and
13 makes a claim to the same seized alcoholic beverages, alcohol, or other
14 property, he or she shall file a written claim with the ~~magistrate court~~ court before
15 ~~whom~~ which the proceedings are pending; ~~setting.~~

16 (2) The claim shall set forth his or her interest in the liquor seized
17 alcoholic beverages, alcohol, or other property, and the reasons why it should
18 not be adjudged forfeited.

19 (b) ~~He or she shall also~~ The court may require the claimant to give security
20 ~~by way of recognizance~~ posting a bond to the state State, with sufficient
21 ~~sureties,~~ in ~~such~~ a sufficient sum as the court directs, conditioned ~~that he or she~~

1 ~~will prosecute~~ on the claimant prosecuting his or her claim to effect and ~~pay~~
2 paying the costs awarded against him or her. *[Proposed amendment of bond*
3 *requirement to avoid potential conflict with Constitutional Due Process and*
4 *Equal Protection requirements. See Boddie v. Connecticut, 401 U.S. 371,*
5 *380–383 (1971).]*

6 Sec. 93. 7 V.S.A. § 577 is redesignated and amended to read:

7 § ~~577~~ 576. APPEAL; BOND

8 ~~An appeal shall not be allowed to the~~ If a claimant elects to appeal from the
9 judgment of the court ~~until he or she gives security by way of recognizance~~
10 under this chapter, the court may require that he or she give security by posting
11 a bond to the state State, with sufficient sureties, in such a sufficient sum, as
12 the court directs, conditioned ~~that he or she will prosecute on the claimant's~~
13 prosecuting his or her appeal to effect and ~~pay~~ paying the costs awarded
14 against him or her. *[Proposed amendment of bond requirement to avoid*
15 *potential conflict with Constitutional Due Process and Equal Protection*
16 *requirements. See Boddie v. Connecticut, 401 U.S. 371, 380–383 (1971).]*

17 Sec. 94. 7 V.S.A. § 578 is redesignated and amended to read:

18 § ~~578~~ 577. JUDGMENT AGAINST CLAIMANT; FORFEITURE; COSTS

19 If the court renders judgment is against the claimant pursuant to section 575
20 or 576 of this title, the liquor alcoholic beverages or alcohol and the casks or
21 vessels containing the same alcoholic beverages or alcohol shall be adjudged

1 forfeited and condemned, as provided in this ~~title~~ chapter, and the court shall
2 also enter judgment shall be rendered against the claimant for all costs of
3 prosecution incurred after the filing of his or her claim.

4 Sec. 95. 7 V.S.A. § 579 is redesignated and amended to read:

5 § ~~579~~ 578. DISPOSITION OF LIQUOR CONDEMNED ON APPEAL

6 If the appellant fails to enter and prosecute his or her appeal pursuant to
7 section 576 of this title, or if judgment is against him or her on appeal, the
8 court in which ~~such~~ the appeal is finally decided shall order the ~~liquor~~
9 alcoholic beverages or alcohol to be disposed of as in the case of ~~liquor~~
10 alcoholic beverages or alcohol adjudged forfeited and condemned under an
11 order of a ~~district~~ judge of the Criminal Division of the Superior Court
12 pursuant to section 567 of this title.

13 Sec. 96. 7 V.S.A. § 580 is redesignated and amended to read:

14 § ~~580~~ 579. SEIZED PROPERTY TAKEN BY WRIT OF REPLEVIN

15 If ~~liquor~~ alcoholic beverages, alcohol, or other property seized by an officer
16 under the provisions of this ~~title~~ chapter is taken from his or her possession by
17 a writ of replevin, it shall not be delivered to the claimant, but shall be held by
18 the officer serving ~~such~~ the writ, until the final determination of the seizure
19 action; whereupon the same. Upon the final determination of the action, the
20 alcoholic beverages, alcohol, or other property held by the officer who served
21 the writ shall be delivered to the party in whose favor judgment is rendered, or

1 to ~~such an~~ officer as who has authority to hold or dispose of ~~the same~~ it under
2 the original seizure proceedings.

3 Sec. 97. 7 V.S.A. § 581 is redesignated and amended to read:

4 § ~~581~~ 580. SEIZURE PROCEEDINGS WITHOUT DELAY BY REPLEVIN

5 Proceedings on the seizure of ~~malt, vinous or spirituous liquor or~~ alcoholic
6 beverages, alcohol, or a still or other apparatus for the manufacture of alcohol,
7 except final execution, shall not be delayed by a replevin ~~thereof~~ of the seized
8 alcoholic beverages, alcohol, or other property, but the cause shall proceed to
9 final judgment as if the action for replevin had not been commenced.

10 Sec. 98. 7 V.S.A. § 582 is redesignated and amended to read:

11 § ~~582~~ 581. COSTS AGAINST OWNER OR KEEPER

12 If proceedings for the condemnation of ~~malt, vinous, spirituous liquor or~~
13 alcoholic beverages, alcohol, or a still or other apparatus for the manufacture
14 of alcohol result in the prosecution and conviction of the owner or keeper
15 ~~thereof~~ of the alcoholic beverages, alcohol, or other property for an offense
16 ~~hereunder~~ under this title, the costs in ~~such~~ the proceedings shall be taxed
17 against ~~such~~ the owner or keeper.

1 Sec. 99. 7 V.S.A. § 584 is redesignated and amended to read:

2 § ~~584~~ 582. SALE OF LIQUOR TAKEN BY ATTACHMENT OR ON

3 EXECUTION

4 ~~Malt, vinous, or spirits and fortified wines~~ Alcoholic beverages lawfully
5 taken by attachment or on execution issued by a court of this State may be sold
6 by a duly authorized officer as other personal property taken on execution, but
7 only to the persons and institutions to which ~~liquor~~ alcoholic beverages may be
8 sold under the provisions of this title.

9 Sec. 100. 7 V.S.A. § 585 is redesignated and amended to read:

10 § ~~585~~ 583. ENFORCEMENT AS STATE EXPENSE

11 Fees payable and expenses incurred under the provisions of this title shall
12 be paid by the ~~state~~ State.

13 Sec. 101. 7 V.S.A. § 586 is amended to read:

14 § ~~586~~. ~~NOTICE TO FEDERAL GOVERNMENT~~

15 ~~When a person is convicted of or pleads guilty to furnishing or selling~~
16 ~~intoxicating liquor contrary to law, the court shall forthwith give notice thereof~~
17 ~~to the United States district director of internal revenue for this district, if such~~
18 ~~court has reason to believe that such person has not paid any special tax~~
19 ~~imposed by the United States government upon dealers in intoxicating liquors.~~

20 [Repealed.] *[Proposed for repeal as obsolete because the federal Special*

1 (Occupational) Tax on Alcohol Occupations was repealed in 2005 by

2 P.L. 109-59, § 11125]

3 Sec. 102. 7 V.S.A. § 588 is redesignated and amended to read:

4 § ~~588~~ 584. SUFFICIENCY OF SPECIFICATION

5 If a specification is required in prosecutions for offenses under this title, it
6 shall be sufficient to specify the offenses with ~~such~~ as much certainty as to the
7 time, place, and person as the prosecutor is able to provide, and ~~the same~~ the
8 specifications provided may be amended ~~upon~~ at trial. When the specifications
9 set forth the sale or furnishing of alcoholic beverages or alcohol to any
10 unknown person or persons ~~unknown~~, the witnesses may be inquired of as to
11 ~~such~~ those transactions. If the name of the person is disclosed, it may be added
12 to the specifications, and upon ~~such~~ any terms as related to postponement of
13 the trial as the court deems reasonable.

14 Sec. 103. 7 V.S.A. § 589 is redesignated and amended to read:

15 § ~~589~~ 585. TAX RECEIPT ALCOHOL DEALER REGISTRATION AS

16 EVIDENCE

17 ~~The receipt for or record of the payment of the United States special tax as~~
18 ~~liquor seller~~ A copy or record of a person's Alcohol Dealer Registration with
19 the U.S. Alcohol and Tobacco Tax and Trade Bureau shall be prima facie
20 evidence that the person named ~~therein~~ in the registration keeps for sale and
21 sells ~~intoxicating liquors~~ alcoholic beverages or alcohol.

1 Sec. 104. 7 V.S.A. § 590 is redesignated and amended to read:

2 § ~~590~~ 586. FINES AND COSTS

3 Fines collected under this title shall be remitted to the ~~general fund~~ General
4 Fund. Costs collected under this title shall be remitted to the ~~liquor control~~
5 ~~fund~~ Liquor Control Enterprise Fund.

6 Sec. 105. 7 V.S.A. § 598 is amended to read:

7 § 598. ~~FORM OF NOTICE TO FEDERAL GOVERNMENT~~

8 ~~The notice to the United States district director of internal revenue shall be~~
9 ~~in substance as follows:~~

10 I hereby notify you that _____ of _____ in the county
11 of _____ and state of Vermont, has this day been convicted of or
12 has pleaded guilty to the crime of furnishing or selling intoxicating liquor,
13 contrary to law. I give you this information so that you may, if you desire,
14 investigate as to whether or not said _____ has paid the special
15 internal revenue tax to the United States government. ~~[Repealed.]~~ [Proposed
16 for repeal as obsolete because the federal Special (Occupational Tax) on
17 Alcohol Occupations was repealed in 2005 by P.L. 109-59, § 11125]

18 Sec. 106. 7 V.S.A. § 600 is redesignated and amended to read:

19 § ~~600~~ 587. FEES OF SHERIFF, CONSTABLE, OR POLICE OFFICER

20 When a sheriff, constable, or police officer makes a search ~~for intoxicating~~
21 ~~liquor by direction of a lawful~~ under this title pursuant to a warrant, he or she

1 shall receive as fees for ~~such~~ the services \$2.00 for the search, \$0.15 a mile for
2 actual travel, and ~~such~~ the sum as that he or she ~~shall~~ actually ~~pay~~ paid out for
3 necessary assistance, if: ~~deemed reasonable by the commissioner of finance~~
4 ~~and management,~~

5 (1) the Commissioner of Finance and Management deems the amount to
6 be reasonable; and if

7 (2) the officer ~~makes~~ declares under oath that the money was ~~so~~
8 expended as claimed, stating and, if applicable, states the name of his or her
9 assistant and the amount paid for the assistance.

10 Sec. 107. 7 V.S.A. § 602 is redesignated as follows:

11 § ~~602~~ 588. EXHIBITION OF CARD

12 Sec. 108. 7 V.S.A. § 603 is redesignated and amended to read:

13 § ~~603~~ 589. LIQUOR CONTROL BOARD; RULES

14 The ~~liquor control board~~ Liquor Control Board shall ~~make~~ adopt rules ~~and~~
15 ~~regulations~~ as necessary to effectuate the purposes of section ~~602~~ 588 of this
16 title.

17 Sec. 109. 7 V.S.A. § 651 is amended to read:

18 § 651. SOLICITING ORDERS

19 A person who, for himself or herself or as agent, takes or solicits orders for
20 the sale of malt or vinous beverages, except for licensees or from agencies of
21 the U.S. ~~Army~~ Armed Forces as specified in section 421 of this title, or of

1 spirits or fortified wines shall be imprisoned not more than six months nor less
2 than three months or fined not more than \$500.00 nor less than \$100.00, or
3 both.

4 Sec. 110. 7 V.S.A. § 652 is amended to read:

5 § 652. TRANSPORTATION

6 A person who, by himself or herself, or through a clerk or agent, brings into
7 the ~~state~~ State, or conveys or transports over or along a railroad or public
8 highway, or by land, air, or water, ~~malt or vinous beverages or spirituous liquor~~
9 alcoholic beverages, or alcohol which the person knows or has reason to
10 believe is to be unlawfully kept, sold, or furnished, shall be imprisoned not
11 more than six months nor less than three months or fined not more than
12 \$500.00 nor less than \$100.00, or both.

13 Sec. 111. 7 V.S.A. § 654 is amended to read:

14 § 654. TAMPERING WITH SAMPLES

15 A person who tampers with samples of alcoholic beverages or alcohol, ~~malt~~
16 ~~or vinous beverages or spirituous liquor~~ taken for analysis under this chapter
17 shall be imprisoned not more than 12 months nor less than six months or fined
18 not more than \$500.00 nor less than \$100.00, or both.

1 Sec. 112. 7 V.S.A. § 655 is amended to read:

2 § 655. BARTER

3 (a) A licensee or permittee ~~who~~ shall be imprisoned not more than 12
4 months nor less than six months or fined not more than \$1,000.00 nor less than
5 \$300.00, or both, if the licensee or permittee:

6 (1) purchases or receives ~~wearing~~ apparel, tools, implements of trade or
7 husbandry, household goods, furniture, or provisions, directly or indirectly, by
8 way of sale or barter, the consideration ~~of~~ for which is, in whole or in part ~~is,~~
9 ~~malt or vinous beverages or spirituous liquor~~ alcoholic beverages or alcohol or
10 the price ~~thereof,~~ of the alcoholic beverages or alcohol; or

11 (2) receives ~~such article~~ apparel, tools, implements of trade or
12 husbandry, household goods, furniture, or provisions in pawn for ~~such~~
13 ~~beverage or liquor~~ alcoholic beverages or alcohol or the price ~~thereof,~~ shall be
14 ~~imprisoned not more than twelve months nor less than six months or fined not~~
15 ~~more than \$1,000.00 nor less than \$300.00, or both~~ of the alcoholic beverages
16 or alcohol.

17 (b) ~~On~~ A person's license or permit issued under this title shall be revoked
18 following a conviction thereof, his or her license or permit shall be revoked
19 under subsection (a) of this section.

1 Sec. 113. 7 V.S.A. § 658 is amended to read:

2 § 658. SALE OR FURNISHING TO MINORS; ENABLING

3 CONSUMPTION BY MINORS; MINORS CAUSING DEATH OR

4 SERIOUS BODILY INJURY

5 (a) ~~No~~ A person shall not:

6 (1) sell or furnish malt ~~or~~ beverages, vinous beverages, spirits, or

7 fortified wines to a person under ~~the age of 21~~ years of age; or

8 (2) knowingly enable the consumption of malt ~~or~~ beverages, vinous

9 beverages, spirits, or fortified wines by a person under ~~the age of 21~~ years

10 of age.

11 (b) As used in this section, “enable the consumption of malt ~~or~~ beverages,

12 vinous beverages, spirits, or fortified wines” means creating a direct and

13 immediate opportunity for a person to consume malt or vinous beverages,

14 spirits, or fortified wines.

15 (c) A person who violates subsection (a) of this section shall be fined not

16 less than \$500.00 nor more than \$2,000.00 or imprisoned not more than two

17 years, or both. However, an employee of a licensee or an employee of a

18 ~~State contracted~~ State liquor agency, who in the course of employment violates

19 subdivision (a)(1) of this section:

20 (1) during a compliance check conducted by a law enforcement officer

21 as defined in 20 V.S.A. § 2358:

1 (A) shall be assessed a civil penalty of not more than \$100.00 for the
2 first violation, and a civil penalty of not less than \$100.00 nor more than
3 \$500.00 for a second violation that occurs more than one year after the first
4 violation; and

5 (B) shall be subject to the criminal penalties provided in this
6 subsection for a second violation within a year of the first violation, and for a
7 third or subsequent violation within three years of the first violation.

8 (2) may plead as an affirmative defense that:

9 (A) the purchaser exhibited and the employee carefully viewed
10 photographic identification that complied with section ~~602~~ 588 of this title and
11 indicated the purchaser to be 21 years of age or older; ~~and~~

12 (B) an ordinary prudent person would believe the purchaser to be of
13 legal age to make the purchase; and

14 (C) the sale was made in good faith, based upon the reasonable belief
15 that the purchaser was of legal age to purchase alcoholic beverages.

16 (d) A person who violates subsection (a) of this section, where the person
17 under ~~the age of~~ 21 years of age, while operating a motor vehicle on a public
18 highway causes death or serious bodily injury to himself or herself or to
19 another person as a result of the violation, shall be imprisoned not more than
20 five years or fined not more than \$10,000.00, or both.

1 Sec. 114. 7 V.S.A. § 659 is amended to read:

2 § 659. REFUSAL OR NEGLECT OF OFFICERS TO PERFORM DUTIES

3 (a) ~~The sheriffs of the several counties and their county sheriffs, sheriff's~~
4 ~~deputies, constables, officers or members of the village or city police, state~~
5 ~~police~~ State Police, and ~~inspectors~~ investigators of the ~~liquor control board~~ are
6 ~~hereby empowered, and it is hereby made their~~ Liquor Control Board shall
7 have the authority and duty to see that the provisions of this title and the rules
8 ~~and regulations made as authorized~~ adopted by the ~~liquor control board herein~~
9 ~~provided for~~ Liquor Control Board pursuant to this title are enforced within
10 their respective jurisdictions. Any ~~such~~ officer who ~~wilfully~~ willfully refuses
11 or neglects to perform the duties imposed upon him or her by this section shall
12 be fined not more than \$500.00 or imprisoned not more than 90 days, or both.

13 (b) A control commissioner, ~~state's attorney~~ State's Attorney, or town
14 grand juror who ~~wilfully~~ willfully refuses or neglects to investigate a complaint
15 for a violation of this chapter, when accompanied by evidence in support
16 ~~thereof~~ of the complaint, shall be fined \$300.00.

17 Sec. 115. 7 V.S.A. § 665 is amended to read:

18 § 665. ~~PRESCRIPTIONS FOR OTHER THAN MEDICAL USE~~

19 ~~A physician who gives a prescription for spirituous liquor, when he knows~~
20 ~~or has reason to believe it is not necessary for medicinal use, shall be fined not~~

1 ~~more than \$200.00 for the first offense and \$500.00 for each subsequent~~
2 ~~offense.~~ [Repealed.] *[Proposed for repeal as obsolete]*

3 Sec. 116. 7 V.S.A. § 666 is redesignated and amended to read:

4 § ~~666~~ 660. ADVERTISING

5 (a) ~~No~~ A person shall not display on outside billboards or signs erected on
6 the highway any advertisement of any kind ~~of malt, vinous beverage or~~
7 ~~spirituous liquor~~ relating to alcoholic beverages, or indicate where ~~the same~~
8 alcoholic beverages may be procured. ~~However, the prohibition contained in~~
9 ~~this section shall not apply to a motor vehicle lawfully transporting in transit~~
10 ~~malt, vinous beverage or spirituous liquor from a place in another state to a~~
11 ~~place in another state.~~ A person who violates any provision of this section
12 shall be fined not more than \$100.00 nor less than \$10.00, for each offense,
13 and ~~such a conviction for a violation shall be cause for revoking the person's~~
14 ~~license after conviction~~ issued under this title.

15 (b) ~~Advertising~~ Notwithstanding subsection (a), advertising of malt or
16 vinous beverages on ~~vehicles~~ a motor vehicle lawfully transporting alcoholic
17 beverages or on a vehicle drawn by horses shall be permitted. *[Proposed for*
18 *amendment to reflect existing practice of advertising alcoholic beverages on*
19 *motor vehicles making deliveries within the State.]*

1 (c)(1) The ~~alcoholic~~ alcohol content of any malt beverage shall not be set
2 forth or stated in any advertising or promotion ~~thereof~~ of the beverage in any
3 medium.

4 (2) ~~No~~ A person shall not advertise or promote the sale of any fermented
5 beverage made from malt by indicating in any way that the beverage has a
6 higher alcoholic content than other similar beverages.

7 (3) ~~However~~ Notwithstanding subdivisions (1) and (2) of this
8 subsection, the alcoholic content of a malt beverage may be set forth on its
9 label or packaging.

10 Sec. 117. 7 V.S.A. § 667 is redesignated and amended to read:

11 § ~~667~~ 661. VIOLATIONS OF TITLE

12 (a)(1) A person, partnership, association, or corporation ~~who~~ that furnishes,
13 sells, exposes, or keeps with intent to sell, or bottles or prepares for sale any
14 malt ~~or~~ beverages, vinous beverages, spirits, or fortified wines, except as
15 authorized by this title, or sells, barter, transports, imports, exports, delivers,
16 prescribes, furnishes, or possesses alcohol, except as authorized by the Liquor
17 Control Board, or ~~who~~ that unlawfully manufactures alcohol or possesses a
18 still or other apparatus for the manufacture of alcohol shall be imprisoned not
19 more than 12 months nor less than three months or fined not more than
20 \$1,000.00 nor less than \$100.00, or both.

1 (2) For a subsequent conviction ~~thereof~~ under subdivision (1) of this
2 subsection within one year, ~~such a~~ a person, partnership, association, or
3 corporation shall be imprisoned not more than three years nor less than six
4 months or fined not more than \$2,000.00 nor less than \$500.00, or both.

5 (b) A person, partnership, association, or corporation, ~~who~~ that willfully
6 violates a provision of this title for which no other penalty is prescribed or ~~who~~
7 that willfully violates a ~~provision of the regulations~~ rule of the Liquor Control
8 Board shall be imprisoned not more than three months nor less than one month
9 or fined not more than \$200.00 nor less than \$50.00, or both.

10 (c) The provisions of subsection (b) of this section shall not apply to a
11 violation of subsection 1005(a) of this title, relating to purchase of tobacco
12 products by a person less than 18 years of age.

13 Sec. 118. 7 V.S.A. § 668 is redesignated and amended to read:

14 § ~~668~~ 662. LIMIT OF SENTENCE

15 A sentence of imprisonment under this title, ~~either cumulative or on failure~~
16 ~~to pay fine and costs~~, shall not exceed ~~the~~ a term of three years. *[Reference to*
17 *imprisonment for failure to pay a fine or costs proposed for repeal as obsolete*
18 *because statutes permitting close jail execution were repealed pursuant to*
19 *1979, No. 67, § 9]*

1 Sec. 119. 7 V.S.A. § 671 is redesignated and amended to read:

2 § ~~671~~ 65. PURCHASE OF KEGS OF MALT BEVERAGES

3 Any ~~person~~ individual who, within 60 days of purchase, fails to return a
4 keg, ~~as defined in section 64 of this title,~~ sold pursuant to section 64 of this
5 chapter to the ~~second-class~~ second-class licensee from which the keg was
6 purchased shall be fined not more than \$200.00.

7 Sec. 120. 7 V.S.A. § 701 is amended to read:

8 § 701. DEFINITIONS

9 As used in this chapter, ~~and unless otherwise required by the context:~~

10 (1) “Certificate of approval” ~~shall mean~~ means an authorization by the
11 ~~liquor control board~~ Liquor Control Board pursuant to section 274 of this title
12 to a manufacturer or distributor of malt beverages or vinous beverages, or both
13 not licensed under the provisions of this title, to sell ~~such~~ those beverages
14 ~~either to holders of bottlers~~ a packager’s or wholesale ~~dealers licenses~~ dealer’s
15 license issued by the ~~board~~ Board ~~under the provisions of~~ pursuant to section
16 ~~226~~ 272 or ~~227~~ 273 of this title.

17 (2) “Franchise” or “agreement” shall mean one or more of the
18 following:

19 (A) a commercial relationship between a wholesale dealer and a
20 certificate of approval holder or a manufacturer of a definite duration or

1 indefinite duration, ~~which~~ that is or is not in writing and ~~which relationship~~ has
2 been in existence for at least one year;

3 (B) a relationship ~~whereby~~ that has been in existence for at least one
4 year in which the wholesale dealer is granted the right to offer and sell the
5 brands of ~~beer~~ malt beverages or ~~wine~~ vinous beverages offered by the
6 certificate of approval holder or manufacturer ~~and which relationship has been~~
7 ~~in existence for at least one year~~;

8 (C) a relationship ~~whereby~~ that has been in existence for at least one
9 year in which the wholesale dealer, as an independent business, constitutes a
10 component of a certificate of approval holder's or manufacturer's distribution
11 system ~~and which relationship has been in existence for at least one year~~;

12 (D) a relationship ~~whereby~~ that has been in existence for at least one
13 year in which the wholesale dealer's business is substantially associated with
14 the certificate of approval holder's or manufacturer's brand, advertising, or
15 other commercial symbol designating the manufacturer ~~and which relationship~~
16 ~~has been in existence for at least one year~~;

17 (E) a relationship ~~whereby~~ that has been in existence for at least one
18 year in which the wholesale dealer's business is substantially reliant on the
19 certificate of approval holder or manufacturer for the continued supply of ~~beer~~
20 malt beverages or ~~wine~~ ~~and which relationship has been in existence for at~~
21 ~~least one year~~ vinous beverages; and

1 (F) a written or oral arrangement for a definite or indefinite period
2 ~~whereby~~ that has been in existence for at least one year in which a certificate of
3 approval holder or manufacturer grants to a wholesale dealer a license to use a
4 trade name, trade mark, service mark, or related characteristic, and in which
5 there is a community of interest in the marketing of goods or services at
6 wholesale, retail, by lease, or otherwise ~~and which arrangement has been in~~
7 ~~existence for at least one year.~~

8 (3) “Franchisee” means any ~~beer~~ malt beverages or ~~wine~~ vinous
9 beverages wholesale dealer to whom a franchise or agreement as defined
10 ~~herein~~ in this section is granted or offered, or any ~~beer~~ malt beverages or ~~wine~~
11 vinous beverages certificate of approval holder or manufacturer who is a party
12 to a franchise or agreement as defined ~~herein~~ in this section.

13 (4) “Franchisor” means any ~~beer~~ malt beverages or ~~wine~~ vinous
14 beverages certificate of approval holder or manufacturer who enters into any
15 franchise or agreement with a ~~beer~~ malt beverages or ~~wine~~ vinous beverages
16 wholesale dealer, or any ~~beer~~ malt beverages or ~~wine~~ vinous beverages
17 certificate of approval holder or manufacturer who is a party to a franchise or
18 agreement as defined ~~herein~~ in this section.

19 (5) “Territory” or “sales territory” ~~shall mean~~ means the area of sales
20 responsibility designated by any agreement or franchise between any

1 franchisee or franchisor for the brand or brands of any franchisor or
2 manufacturer.

3 (6) ~~As used herein, brand~~ “Brand” and “brands” are synonymous with
4 label and labels.

5 Sec. 121. 7 V.S.A. § 702 is amended to read:

6 § 702. PROHIBITED ACTS BY MANUFACTURER

7 ~~No~~ A manufacturer shall not:

8 (1) induce or coerce, or attempt to induce or coerce, any wholesale
9 dealer to accept delivery of any alcoholic beverage, any form of advertisement,
10 or any other commodity, ~~which shall not have been~~ that was not ordered by the
11 wholesale dealer;

12 (2) induce or coerce, or attempt to induce or coerce, any wholesale
13 dealer to do any illegal act or thing by threatening to cancel or terminate ~~his~~
14 ~~beer~~ the wholesale dealer’s malt beverages or ~~wine~~ vinous beverages franchise
15 agreement; or

16 (3) fail or refuse to deliver promptly to a wholesale dealer after the
17 receipt of ~~his~~ its order any ~~beer~~ malt beverages or ~~wine~~ vinous beverages when
18 the product is publicly advertised for immediate sale.

1 Sec. 122. 7 V.S.A. § 703 is amended to read:

2 § 703. CANCELLATION OF FRANCHISE

3 Notwithstanding the terms, provisions, or conditions of any agreement or
4 franchise, no certificate of approval holder or manufacturer shall cancel,
5 terminate, or refuse to continue a franchise, or cause a wholesale dealer to
6 relinquish a franchise, unless good cause is shown to exist.

7 Sec. 123. 7 V.S.A. § 704 is amended to read:

8 § 704. 120 ~~DAYS~~ DAYS' NOTICE FOR CANCELLATION;

9 RECTIFICATION

10 (a)(1) Except as provided in subsection (c) of this section, a certificate of
11 approval holder or manufacturer shall provide a franchisee or agreement holder
12 at least 120 ~~days~~ days' written notice of any intent to terminate or cancel any
13 franchise or agreement.

14 (2) The notice shall state the causes and reasons for the intended
15 termination or cancellation. The franchisee shall have ~~such~~ 120 days in which
16 to rectify any claimed deficiency.

17 (b) The ~~superior court~~ Superior Court, upon petition and after due notice to
18 both parties and the opportunity to be heard, shall decide whether good cause
19 exists to allow termination or cancellation of the franchise or agreement.

20 (c) The notice provisions of subsection (a) of this section may be waived if
21 the reason for termination, cancellation, or nonrenewal is insolvency, the

1 occurrence of an assignment for the benefit of creditors, bankruptcy, or if the
2 certificate of approval holder or manufacturer is able to prove to the court that
3 ~~such~~ providing the required notice would do irreparable harm to the marketing
4 of ~~his~~ its product.

5 Sec. 124. 7 V.S.A. § 705 is amended to read:

6 § 705. EXCLUSIVE TERRITORIES

7 No certificate of approval holder or manufacturer, who ~~shall designate~~
8 designates a sales territory for which ~~any~~ a wholesale dealer shall be primarily
9 responsible or in which ~~any~~ a wholesale dealer is required to concentrate its
10 efforts, shall enter into any franchise or agreement with any other wholesale
11 dealer for the purpose of establishing an additional franchisee for its brand or
12 brands of ~~beer~~ malt beverages or ~~wine~~ vinous beverages in the territory being
13 primarily served or concentrated upon by ~~a~~ the first licensed wholesale dealer.

14 Sec. 125. 7 V.S.A. § 706 is amended to read:

15 § 706. SALE TO RETAILERS BY FRANCHISEES

16 No franchisee ~~who shall be~~ that is granted a sales territory for which the
17 franchisee shall be primarily responsible or in which the franchisee is required
18 to concentrate its efforts shall make any sale or delivery of ~~beer~~ malt beverages
19 or ~~wine~~ vinous beverages to any retail licensee whose place of business is not
20 within the sales territory granted to the franchisee.

1 Sec. 126. 7 V.S.A. § 707 is amended to read:

2 § 707. SALE OR TRANSFER; PURCHASE BY MANUFACTURER

3 (a) A wholesale dealer wishing to sell or otherwise transfer ~~his~~ its interests
4 in a franchise shall give at least 90 days' written notice to the certificate of
5 approval holder or manufacturer, prior to ~~such~~ the sale or transfer. The notice
6 of intended sale or transfer shall give the full name and address of the proposed
7 transferee, along with full details outlining the qualifications of the proposed
8 transferee which, in the opinion of the wholesale dealer, make the proposed
9 transferee competent to operate the franchise.

10 (b) In the event the certificate of approval holder or manufacturer wishes to
11 resist the proposed sale or transfer to the proposed transferee, ~~he~~ the certificate
12 of approval holder or manufacturer shall petition the ~~superior court~~ Superior
13 Court for a hearing no later than 60 days prior to the date of the proposed sale
14 or transfer, ~~clearly stating his~~. The petition shall clearly state the certificate of
15 approval holder's or manufacturer's reasons for resisting the proposed sale or
16 transfer.

17 (c) Upon receipt of a petition brought resisting a sale or transfer, the
18 ~~superior court~~ Superior Court shall hold a hearing on the proposed transfer or
19 sale. The court shall make a full inquiry into the qualifications of the proposed
20 transferee, and shall determine whether or not ~~such~~ the proposed transferee is
21 in a position to substantially continue the operations of the franchise, to assume

1 the obligations of the franchise holder, and to conduct the business in a manner
2 ~~which~~ that will ~~serve to~~ protect the legitimate interests of the certificate of
3 approval holder or manufacturer.

4 (d) ~~In the event~~ If the superior court Superior Court finds the proposed
5 transferee to be qualified to operate the franchise, it shall approve the transfer
6 of the franchise to the proposed transferee ~~shall be approved~~.

7 Sec. 127. 7 V.S.A. § 709 is redesignated as follows:

8 § ~~709~~ 708. MERGER OF FRANCHISOR

9 Sec. 128. 7 V.S.A. § 710 is redesignated as follows:

10 § ~~710~~ 709. HEIRS, SUCCESSORS, AND ASSIGNS

11 Sec. 129. REPEAL

12 7 V.S.A. chapter 25 (rathskellars) is repealed. [Chapter is proposed for
13 repeal as obsolete because its provisions are not currently utilized.]

14 Sec. 130. 7 V.S.A. § 1002 is amended to read:

15 § 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

16 (a)(1) No person shall engage in the retail sale of tobacco products, tobacco
17 substitutes, or tobacco paraphernalia, ~~or provide a vending machine for their~~
18 ~~sale~~ in his or her place of business without a tobacco license obtained from the
19 Department of Liquor Control; ~~provided, however, that no.~~ [Vending machine
20 language proposed for repeal because vending machines are prohibited
21 throughout Vermont pursuant to section 1003.]

1 (2) No person shall engage in the retail sale of tobacco substitutes
2 without also obtaining a tobacco substitute endorsement from the Department
3 of Liquor Control.

4 (3) Tobacco licenses and tobacco substitute endorsements shall expire at
5 midnight, April 30, of each year.

6 (b)(1) The Board shall prepare and issue tobacco license and tobacco
7 substitute endorsement forms and applications. These shall be incorporated
8 into the liquor license forms and applications prepared and issued under this
9 title.

10 (2) The licenses issued under this section shall be entitled “LIQUOR
11 LICENSE,” “LIQUOR-TOBACCO LICENSE,” or “TOBACCO LICENSE,”
12 as applicable. The endorsements issued under this section shall be entitled
13 “TOBACCO SUBSTITUTE ENDORSEMENT.”

14 (3) The Board shall also provide simple instructions for licensees
15 designed to assist them in complying with the provisions of this chapter.

16 (c) Each tobacco license and tobacco substitute endorsement shall be
17 prominently displayed on the premises identified in the license.

18 (d)(1) For a license or endorsement required under this section, a person
19 shall apply to the legislative body of the municipality and shall pay the
20 following fees:

1 products. A corporation, partnership, or association shall designate a director,
2 partner, or manager to comply with the requirements of this subsection.

3 (b) The holder of a tobacco license that does not also hold a liquor license
4 issued pursuant to this title for the same premises shall:

5 (1) Complete the Department's in-person or online enforcement seminar
6 at least once every two years. A corporation, partnership, or association shall
7 designate a director, partner, or manager to comply with this subdivision.

8 (2) Ensure that every employee involved in the sale of tobacco products
9 completes a Department of Liquor Control in-person or online training
10 program or other training programs approved by the Department before the
11 employee begins selling or providing tobacco products, and at least once every
12 24 months thereafter. A licensee may comply with this subdivision by
13 conducting its own training program on its premises using information and
14 materials furnished by the Department of Liquor Control. A licensee ~~who~~ that
15 fails to comply with the requirements of this subsection shall be subject to
16 suspension of ~~the~~ its tobacco license for no less than one day.

17 (3) Fees for Department of Liquor Control in-person and online
18 seminars for tobacco only ~~will~~ shall be \$10.00 per person.

1 Sec. 132. 7 V.S.A. § 1003 is amended to read:

2 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
3 TOBACCO PARAPHERNALIA; REQUIREMENTS;
4 PROHIBITIONS

5 (a) A person shall not sell or provide tobacco products, tobacco substitutes,
6 or tobacco paraphernalia to any person younger than 18 years of age.

7 ~~(b) Beginning August 28, 1997, vending machines selling tobacco~~
8 ~~products, tobacco substitutes, or tobacco paraphernalia are prohibited. This~~
9 ~~subsection shall not apply to a vending machine that is located in a commercial~~
10 ~~establishment in which by law no person younger than 18 years of age is~~
11 ~~permitted to enter at any time. A single vending machine may not be used to~~
12 ~~sell other commodities in combination with tobacco products, tobacco~~
13 ~~substitutes, or tobacco paraphernalia. A violation of this subsection shall result~~
14 ~~in the seizure of the vending machine.~~

15 ~~(c) Beginning January 1, 2001, and subject to receiving any necessary~~
16 ~~exemption from preemption from the U.S. Food and Drug Administration, all~~
17 All vending machines selling tobacco products are prohibited. *[Proposed for*
18 *amendment to reflect changes to federal law, which permits States to adopt*
19 *more stringent laws relating to the sale of tobacco under 21 U.S.C. § 387p.]*

20 ~~(d)~~(c)(1) Persons holding a tobacco license may only display or store
21 tobacco products or tobacco substitutes:

1 (A) behind a sales counter or in any other area of the establishment
2 that is inaccessible to the public; or

3 (B) in a locked container.

4 (2) This subsection shall not apply to the following:

5 (A) a display of tobacco products that is located in a commercial
6 establishment in which by law no person younger than 18 years of age is
7 permitted to enter at any time;

8 (B) cigarettes in unopened cartons and smokeless tobacco in
9 unopened multipack containers of 10 or more packages, any of which shall be
10 displayed in plain view and under the control of a responsible employee so that
11 removal of the cartons or multipacks from the display can be readily observed
12 by that employee; or

13 (C) cigars and pipe tobacco stored in a humidor on the sales counter
14 in plain view and under the control of a responsible employee so that the
15 removal of these products from the humidor can be readily observed by that
16 employee.

17 ~~(e)~~(d) The sale and the purchase of bidis is prohibited. A person who holds
18 a tobacco license who sells bidis as prohibited by this subsection shall be fined
19 not more than \$500.00. A person who purchases bidis from any source shall
20 be fined not more than \$250.00.

1 ~~(e)~~(e) No person holding a tobacco license shall sell cigarettes or little
2 cigars individually or in packs that contain fewer than 20 cigarettes or little
3 cigars.

4 ~~(g)~~(f) As used in this section, “little cigars” means any rolls of tobacco
5 wrapped in leaf tobacco or any substance containing tobacco, other than any
6 roll of tobacco which is a cigarette within the meaning of 32 V.S.A. § 7702(1),
7 and as to which 1,000 units weigh not more than three pounds.

8 Sec. 133. 7 V.S.A. 1004 is amended to read:

9 § 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS;

10 TOBACCO SUBSTITUTES; TOBACCO PARAPHERNALIA

11 (a) A person shall exhibit proper proof of his or her age upon demand of a
12 person licensed under this chapter, an employee of a licensee, or a law
13 enforcement officer. If the person fails to provide ~~such~~ proper proof of age,
14 the licensee shall be entitled to refuse to sell tobacco products, tobacco
15 substitutes, or tobacco paraphernalia to the person. The sale or furnishing of
16 tobacco products, tobacco substitutes, or tobacco paraphernalia to a person
17 exhibiting proper proof of age shall be prima facie evidence of a licensee’s
18 compliance with section 1007 of this title.

19 (b) As used in this section, “proper proof of age” means ~~a photographic~~
20 ~~motor vehicle operator’s license, a valid passport, a U.S. Military identification~~
21 ~~card, or a photographic nondriver motor vehicle identification card obtained~~

1 ~~from the Department of Motor Vehicles~~ a valid authorized form of
2 identification as defined in section 588 of this title. *[Proposed for amendment*
3 *to provide uniformity in identification requirements for sale of alcohol and*
4 *tobacco.]*

5 Sec. 134. 7 V.S.A. § 1005 is amended to read:

6 § 1005. PERSONS UNDER 18 YEARS OF AGE; POSSESSION OF
7 TOBACCO PRODUCTS; MISREPRESENTING AGE OR
8 PURCHASING TOBACCO PRODUCTS; PENALTY

9 (a)(1) A person under 18 years of age shall not possess, purchase, or
10 attempt to purchase tobacco products, tobacco substitutes, or tobacco
11 paraphernalia unless the person is an employee of a holder of a tobacco license
12 and is in possession of tobacco products, tobacco substitutes, or tobacco
13 paraphernalia to effect a sale in the course of employment.

14 (2) A person under 18 years of age shall not misrepresent his or her age
15 to purchase or attempt to purchase tobacco products, tobacco substitutes, or
16 tobacco paraphernalia.

17 (b) A person who possesses tobacco products, tobacco substitutes, or
18 tobacco paraphernalia in violation of ~~this~~ subsection (a) of this section shall be
19 subject to having the tobacco products, tobacco substitutes, or tobacco
20 paraphernalia immediately confiscated and shall be further subject to a civil

1 penalty of \$25.00. An action under this subsection shall be brought in the
2 same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

3 ~~(b)~~(c) A person under 18 years of age who misrepresents his or her age by
4 presenting false identification to purchase tobacco products, tobacco
5 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or
6 provide up to 10 hours of community service, or both.

7 Sec. 135. 7 V.S.A. 1006 is amended to read:

8 § 1006. POSTING OF SIGNS

9 (a) A person licensed under this chapter shall post in a conspicuous place
10 on the premises identified in the tobacco license a warning sign stating that the
11 sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to
12 ~~minors~~ persons under 18 years of age is prohibited. The Board shall prepare
13 the sign and make it available with the license forms issued under this chapter.
14 The sign may include information about the health effects of tobacco and
15 tobacco cessation services. The Board, in consultation with a representative of
16 the licensees when appropriate, is authorized to change the design of the sign
17 as needed to maintain its effectiveness.

18 (b) A person violating this section shall be guilty of a misdemeanor and
19 fined not more than \$100.00.

1 Sec. 136. 7 V.S.A. § 1007 is amended to read:

2 § 1007. FURNISHING TOBACCO TO PERSONS UNDER 18 YEARS OF
3 AGE; REPORT

4 (a) An ~~individual who~~ person that sells or furnishes tobacco products,
5 tobacco substitutes, or tobacco paraphernalia to a person under 18 years of age
6 shall be subject to a civil penalty of not more than \$100.00 for the first offense
7 and not more than \$500.00 for any subsequent offense. An action under this
8 section shall be brought in the same manner as for a traffic violation pursuant
9 to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence
10 of the alleged violation.

11 (b)(1) The Department of Liquor Control shall conduct or contract for
12 compliance tests of tobacco licensees as frequently and as comprehensively as
13 necessary to ensure consistent statewide compliance with the prohibition on
14 sales to ~~minors~~ persons under 18 years of age of at least 90 percent for buyers
15 17 years of age. An individual under 18 years of age participating in a
16 compliance test shall not be in violation of ~~7 V.S.A. §~~ section 1005 of this title.

17 (2) Any violation by a tobacco licensee of subsection 1003(a) of this
18 title and this section after a first sale violation or during a compliance test
19 conducted within six months of a previous violation shall be considered a
20 multiple violation and shall result in the minimum license suspension in

1 addition to any other penalties available under this title. Minimum license
2 suspensions for multiple violations shall be assessed as follows:

3 (A) Two violations one weekday;

4 (B) Three violations two weekdays;

5 (C) Four violations three weekdays;

6 (D) Five violations three weekend days, Friday through Sunday.

7 (3) The Department shall report to the House Committee on General,
8 Housing and Military Affairs, the Senate Committee on Economic
9 Development, Housing and General Affairs, and the Tobacco Evaluation and
10 Review Board annually, on or before January 15, the methodology and results
11 of compliance tests conducted during the previous year. The provisions of
12 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the required
13 report to be made under this subsection.

14 Sec. 137. 7 V.S.A. § 1008 is amended to read:

15 § 1008. RULEMAKING

16 The ~~board~~ Liquor Control Board shall adopt rules for the administration and
17 enforcement of this chapter.

18 Sec. 138. 7 V.S.A. § 1009 is amended to read:

19 § 1009. CONTRABAND AND SEIZURE

20 Any cigarettes or other tobacco products that have been sold, offered for
21 sale, or possessed for sale in violation of section 1003 of this title, 20 V.S.A.

1 § 2757, 32 V.S.A. § 7786, or 33 V.S.A. § 1919, and any commercial cigarette
2 rolling machines possessed or utilized in violation of section 1011 of this title,
3 shall be deemed contraband, and shall be subject to seizure by the
4 Commissioner, the Commissioner’s agents or employees, the Commissioner of
5 Taxes, or any agent or employee ~~thereof~~ of the Commissioner of Taxes, or by
6 any ~~peace~~ law enforcement officer of this State when directed to do so by the
7 Commissioner. All cigarettes or other tobacco products seized shall be
8 destroyed.

9 Sec. 139. 7 V.S.A. § 1010 is amended to read:

10 § 1010. INTERNET SALES

11 (a) As used in this section:

12 (1) “Cigarette” has the same ~~definition as that found at~~ meaning as in
13 32 V.S.A. § 7702(1).

14 (2) [Repealed.]

15 (3) “Licensed wholesale dealer” has the same ~~definition as that found at~~
16 meaning as in 32 V.S.A § 7702(5).

17 (4) “Little cigars” has the same ~~definition as that found at~~ meaning as in
18 32 V.S.A. § 7702(6).

19 (5) “Retail dealer” has the same ~~definition as that found at~~ meaning as in
20 32 V.S.A. § 7702(10).

1 (6) “Roll-your-own tobacco” has the same ~~definition as that found at~~
2 meaning as in 32 V.S.A § 7702(11).

3 (7) “Snuff” has the same ~~definition as that found at~~ meaning as in
4 32 V.S.A. § 7702(13).

5 (b) No person shall cause cigarettes, roll-your-own tobacco, little cigars, or
6 snuff, ordered or purchased by mail or through a computer network, telephonic
7 network, or other electronic network, to be shipped to anyone other than a
8 licensed wholesale dealer or retail dealer in this State.

9 (c) No person shall, with knowledge or reason to know of the violation,
10 provide substantial assistance to a person in violation of this section.

11 (d) A violation of this section is punishable as follows:

12 (1) A knowing or intentional violation of this section shall be punishable
13 by imprisonment for not more than five years or a fine of not more than
14 \$5,000.00, or both.

15 (2) In addition to or in lieu of any other civil or criminal remedy
16 provided by law, upon a determination that a person has violated this section,
17 the Attorney General may impose a civil penalty in an amount not to exceed
18 \$5,000.00 for each violation. For purposes of this subsection, each shipment
19 or transport of cigarettes, roll-your-own tobacco, little cigars, or snuff shall
20 constitute a separate violation.

1 (3) The Attorney General may seek an injunction to restrain a threatened
2 or actual violation of this section.

3 (4) In any action brought pursuant to this section, the State shall be
4 entitled to recover the costs of investigation, of expert witness fees, of the
5 action, and reasonable attorney's fees.

6 (5) A person who violates this section engages in an unfair and
7 deceptive trade practice in violation of the State's Consumer Protection Act,
8 9 V.S.A. §§ 2451 et seq.

9 (6) If a court determines that a person has violated the provisions of this
10 section, the court shall order any profits, gain, gross receipts, or other benefit
11 from the violation to be disgorged and paid to the State Treasurer for deposit in
12 the General Fund.

13 (7) Unless otherwise expressly provided, the penalties or remedies, or
14 both, under this section are in addition to any other penalties and remedies
15 available under any other law of this State.

16 Sec. 140. 7 V.S.A. § 1011 is amended to read:

17 § 1011. COMMERCIAL CIGARETTE ROLLING MACHINES

18 (a) A person shall not possess or use a cigarette rolling machine for
19 commercial purposes.

20 (b) A person who knowingly violates subsection (a) of this section shall be
21 subject to the following civil penalties:

1 (1) The revocation or termination of any license, permit, appointment, or
2 commission under this chapter.

3 (2) A civil penalty of up to \$50,000.00 in any action brought by the
4 Department of Taxes, the Department of Liquor Control, or the Attorney
5 General.

6 (c) Penalties assessed under subsection (b) of this section shall be paid into
7 the General Fund.

8 (d) A person who violates subsection (a) of this section shall be imprisoned
9 for not more than three years or fined not more than \$100,000.00, or both.

10 (e) This section shall not apply to the possession of a cigarette rolling
11 machine intended solely for personal use by individuals who do not intend to
12 offer the resulting product for resale.

13 (f) A cigarette rolling machine capable of rolling 200 cigarettes in fewer
14 than 15 minutes ~~is~~ shall be presumed to be for commercial purposes.

15 Sec. 141. 7 V.S.A. § 1012 is amended to read:

16 § 1012. LIQUID NICOTINE; PACKAGING

17 (a) Unless specifically preempted by federal law, no person shall
18 manufacture, regardless of location, for sale in; offer for sale in; sell in or into
19 the stream of commerce in; or otherwise introduce into the stream of
20 commerce in Vermont:

1 (1) any liquid or gel substance containing nicotine unless that product is
2 contained in child-resistant packaging; or

3 (2) any nicotine liquid container unless that container constitutes
4 child-resistant packaging.

5 (b) As used in this section:

6 (1) “Child-resistant packaging” means packaging that is designed or
7 constructed to be significantly difficult for children under five years of age to
8 open or obtain a toxic or harmful amount of the substance ~~contained therein in~~
9 the container within a reasonable time and not difficult for normal adults to use
10 properly, but does not mean packaging which all ~~such~~ children under five years
11 of age cannot open or obtain a toxic or harmful amount of the substance in the
12 container within a reasonable time.

13 (2) “Nicotine liquid container” means a bottle or other container of a
14 nicotine liquid or other substance containing nicotine ~~which that~~ is sold,
15 marketed, or intended for use in a tobacco substitute. The term does not
16 include a container containing nicotine in a cartridge that is sold, marketed, or
17 intended for use in a tobacco substitute if the cartridge is prefilled and sealed
18 by the manufacturer and not intended to be opened by the consumer.

1 Sec. 142. 10 V.S.A. § 1522 is amended to read:

2 § 1522. BEVERAGE CONTAINERS; DEPOSIT

3 (a) Except with respect to beverage containers which contain liquor, a
4 deposit of not less than five cents shall be paid by the consumer on each
5 beverage container sold at the retail level and refunded to the consumer upon
6 return of the empty beverage container. With respect to beverage containers of
7 volume greater than 50 ml. which contain liquor, a deposit of 15 cents shall be
8 paid by the consumer on each beverage container sold at the retail level and
9 refunded to the consumer upon return of the empty beverage container. The
10 difference between liquor bottle deposits collected and refunds made is hereby
11 retained by the ~~liquor control fund~~ Liquor Control Enterprise Fund for
12 administration of this subsection.

13 * * *

14 Sec. 143. 10 V.S.A. § 6605f is amended to read:

15 § 6605f. WASTE MANAGEMENT PERSONNEL BACKGROUND

16 REVIEW

17 (a) Disqualifying criteria. Any nongovernmental entity or person applying
18 for a certification under section 6605, 6605a, or 6606 of this title, for interim
19 certification under section 6605b of this title, or for a waste transportation
20 permit under section 6607a of this title, shall be denied certification or other
21 authorization if the Secretary finds:

1 (1) that the applicant or any person required to be listed on the
2 disclosure statement pursuant to subdivision (b)(1) of this section has been
3 convicted of any of the following disqualifying offenses in this or any other
4 jurisdiction within the 10 years preceding the date of the application:

5 * * *

6 (L) ~~trafficking in alcoholic beverages as defined in~~ unlawfully
7 selling, bartering, possessing, furnishing, or transporting alcohol pursuant to
8 7 V.S.A. § 561;

9 * * *

10 Sec. 144. 12 V.S.A. § 7156 is amended to read:

11 § 7156. EFFECT OF EMANCIPATION

12 * * *

13 (b) The order of emancipation shall not affect the status of the minor in the
14 applicability of any provision of law which requires specific age requirements
15 under the ~~state~~ State or federal constitution or any ~~state~~ State or federal law
16 including laws that prohibit the sale, purchase, or consumption of ~~intoxicating~~
17 ~~liquor~~ alcoholic beverages to or by a person under 21 years of age.

18 Sec. 145. 13 V.S.A. § 6505 is amended to read:

19 § 6505. PAYMENT

20 The ~~commissioner of finance and management~~ Commissioner of Finance
21 and Management shall allow counsel so employed a reasonable compensation

1 for his or her services and expenses and shall issue his or her warrant for the
2 amount allowed. Compensation shall not be allowed where it appears to the
3 ~~commissioner~~ Commissioner that the prosecution was superfluous and
4 instituted to enhance costs, nor in the trial of a person upon a complaint for
5 intoxication or for any other offense against the ~~chapter~~ title relating to
6 ~~intoxicating liquors~~ alcoholic beverages, except where the respondent pleads
7 not guilty.

8 Sec. 146. 18 V.S.A. § 4249 is amended to read:

9 § 4249. TRANSPORTATION OF ALCOHOL, TOBACCO, OR

10 REGULATED DRUGS INTO PLACES OF DETENTION

11 (a) No person shall knowingly carry or introduce or cause to be carried or
12 introduced into a lockup, jail, prison, or correctional facility:

13 (1) alcohol, malt ~~or~~ beverages, vinous beverages, ~~or spirituous liquor~~
14 spirits, or fortified wines;

15 * * *

16 Sec. 147. 18 V.S.A. § 4254 is amended to read:

17 § 4254. IMMUNITY FROM LIABILITY

18 * * *

19 (b) A person who, in good faith and in a timely manner, seeks medical
20 assistance for someone who is experiencing a drug overdose shall not be cited,
21 arrested, or prosecuted for a violation of this chapter or cited, arrested, or

1 prosecuted for procuring, possessing, or consuming alcohol by someone under
2 ~~age 21~~ years of age pursuant to 7 V.S.A. §§ § 656 ~~and 657~~ or for providing to
3 or enabling consumption of alcohol by someone under ~~age 21~~ years of age
4 pursuant to 7 V.S.A. § 658(a)-(c).

5 (c) A person who is experiencing a drug overdose and, in good faith, seeks
6 medical assistance for himself or herself or is the subject of a good faith
7 request for medical assistance shall not be cited, arrested, or prosecuted for a
8 violation of this chapter or cited, arrested, or prosecuted for procuring,
9 possessing, or consuming alcohol by someone under ~~age 21~~ years of age
10 pursuant to 7 V.S.A. §§ § 656 ~~and 657~~ or for providing to or enabling
11 consumption of alcohol by someone under ~~age 21~~ years of age pursuant to
12 7 V.S.A. § 658(a)-(c).

13 (d) A person who seeks medical assistance for a drug overdose or is the
14 subject of a good faith request for medical assistance pursuant to subsection (b)
15 or (c) of this section shall not be subject to any of the penalties for violation of
16 13 V.S.A. § 1030 (violation of a protection order), for a violation of this
17 chapter or 7 V.S.A §§ § 656 ~~and 657~~, for being at the scene of the drug
18 overdose, or for being within close proximity to any person at the scene of the
19 drug overdose.

20 (e) A person who seeks medical assistance for a drug overdose or is the
21 subject of a good faith request for medical assistance pursuant to subsection (b)

1 or (c) of this section shall not be subject to any sanction for a violation of a
2 condition of pretrial release, probation, furlough, or parole for a violation of
3 this chapter or 7 V.S.A §§ § 656 and 657 for being at the scene of the drug
4 overdose or for being within close proximity to any person at the scene of the
5 drug overdose. *[Proposed for amendment to reflect repeal of 7 V.S.A. § 657 by*
6 *2015 (Adj. Sess.), No. 147, § 7.]*

7 * * *

8 Sec. 148. 20 V.S.A. § 1817 is amended to read:

9 § 1817. REPORTS OF LAW ENFORCEMENT OFFICER; ACCIDENTS
10 INVOLVING ~~LIQUOR~~ ALCOHOL

11 Any law enforcement officer who, upon investigation of a motor vehicle
12 accident or other incident involving the use of ~~intoxicating liquor~~ alcohol, shall
13 inquire whether the person involved in the accident or incident was served or
14 furnished ~~intoxicating liquor~~ alcoholic beverages at a licensed establishment
15 and, if the officer determines that a person was served or furnished ~~intoxicating~~
16 ~~liquor~~ alcoholic beverages at a licensed establishment, the officer shall so
17 inform ~~in writing~~ the appropriate licensee or licensees in writing. A law
18 enforcement officer shall not be subject to civil liability for an omission or
19 failure to comply with a provision of this section.

1 Sec. 149. 20 V.S.A. § 2358 is amended to read:

2 § 2358. MINIMUM TRAINING STANDARDS; DEFINITIONS

3 * * *

4 (b) The Council shall offer or approve basic training and annual in-service
5 training for each of the following three levels of law enforcement officer
6 certification in accordance with the scope of practice for each level, and shall
7 determine by rule the scope of practice for each level in accordance with the
8 provisions of this section:

9 * * *

10 (2) Level II certification.

11 (A) An applicant for certification as a Level II law enforcement
12 officer shall first complete Level II basic training and may then become
13 certified in a specialized practice area as set forth in subdivision (B)(ii) of this
14 subdivision (2). Level II basic training shall include training to respond to
15 calls regarding alleged crimes in progress and to react to the circumstances
16 described in subdivision (B)(iii) of this subdivision (2).

17 (B)(i) Except as provided in subdivisions (ii) and (iii) of this
18 subdivision (B), the scope of practice of a Level II law enforcement officer
19 shall be limited to investigating the following matters:

20 (I) ~~7 V.S.A. § 657 (person under 21 years of age~~
21 ~~misrepresenting age procuring, possessing, or consuming alcoholic beverages;~~

1 ~~third or subsequent offense)~~ [Repealed.]; *Proposed for repeal to reflect repeal*
2 *of 7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.]*

3 (II) 7 V.S.A. § 658 (sale or furnishing to minors; enabling
4 consumption by minors);

5 * * *

6 Sec. 150. RESERVED

7 Sec. 151. 23 V.S.A. § 1134 is amended to read:

8 § 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR
9 POSSESSION OF ALCOHOL

10 (a) A person shall not consume alcoholic beverages while operating a
11 motor vehicle on a public highway. As used in this section, “alcoholic
12 beverages” shall have the same meaning as ~~“intoxicating liquor”~~ “alcohol” as
13 defined in section 1200 of this title.

14 * * *

15 Sec. 152. 23 V.S.A. § 1134a is amended to read:

16 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR
17 POSSESSION OF ALCOHOL

18 (a) Except as provided in subsection (c) of this section, a passenger in a
19 motor vehicle shall not consume alcoholic beverages or possess any open
20 container which contains alcoholic beverages in the passenger area of any
21 motor vehicle on a public highway. As used in this section, “alcoholic

1 beverages” shall have the same meaning as ~~“intoxicating liquor”~~ “alcohol” as
2 defined in section 1200 of this title.

3 * * *

4 Sec. 153. 23 V.S.A. § 1200 is amended to read:

5 § 1200. DEFINITIONS

6 As used in this subchapter:

7 (1) “Alcohol concentration” means

8 (A) the number of grams of alcohol per 100 milliliters of blood; or

9 (B) the number of grams of alcohol per 210 liters of breath.

10 (2) “Drug” means:

11 (A) a regulated drug as defined in 18 V.S.A. § 4201; or

12 (B) any substance or combination of substances, other than alcohol,
13 which affects the nervous system, brain, or muscles of a person so as to impair,
14 noticeably and appreciably, a person’s ability to drive a vehicle safely.

15 (3) “Evidentiary test” means a breath or blood test which indicates the
16 person’s alcohol concentration or the presence of other drug and which is
17 intended to be introduced as evidence.

18 (4) ~~“Intoxicating liquor”~~ “Alcohol” includes alcohol, malt beverages,
19 ~~spirituous liquors~~ spirits, fortified wines, and vinous beverages, as defined in 7
20 V.S.A. § 2, and any beverage or liquid containing any of them.

1 (5) “Law enforcement officer” means a law enforcement officer who
2 has been certified by the Criminal Justice Training Council pursuant to 20
3 V.S.A. § 2358.

4 (6) “Vehicle” means a motor vehicle as defined in section 4 of this title,
5 and when on a public highway:

6 (A) a snowmobile as defined in section 3201 of this title; and

7 (B) an all-terrain vehicle as defined in section 3501 of this title.

8 (7) “Highway” ~~shall be defined~~ has the same meaning as in subdivision
9 4(13) of this title, except that for purposes of this subchapter, “highway” does
10 not include the driveway which serves only a single-family or two-family
11 residence of the operator. This exception shall not apply if a person causes the
12 death of a person, causes bodily injury to a person, or causes damage to the
13 personal property of another person, while operating a motor vehicle on a
14 driveway in violation of section 1201 of this subchapter.

15 (8) “Ignition interlock device” means a device that is capable of
16 measuring a person’s alcohol concentration and that prevents a motor vehicle
17 from being started by a person whose alcohol concentration is 0.02 or greater.

18 (9)(A) “Ignition interlock restricted driver’s license” or “ignition
19 interlock RDL” or “RDL” means a restricted license or privilege to operate a
20 motor vehicle issued by the Commissioner allowing a resident whose license
21 or privilege to operate has been suspended or revoked for operating under the

1 influence of ~~intoxicating liquor~~ alcohol or in excess of legal limits of alcohol
2 concentration, or for refusing an enforcement officer’s reasonable request for
3 an evidentiary test, to operate a motor vehicle, other than a commercial motor
4 vehicle as defined in section 4103 of this title, installed with an approved
5 ignition interlock device.

6 (B) “Ignition interlock certificate” means a restricted privilege to
7 operate a motor vehicle issued by the Commissioner allowing a nonresident
8 whose privilege to operate a motor vehicle in Vermont has been suspended or
9 revoked for operating under the influence of ~~intoxicating liquor~~ alcohol or in
10 excess of legal limits of alcohol concentration, or for refusing an enforcement
11 officer’s reasonable request for an evidentiary test, to operate a motor vehicle,
12 other than a commercial motor vehicle as defined in section 4103 of this title,
13 installed with an approved ignition interlock device.

14 (10) “Random retest” means a test of a vehicle operator’s blood alcohol
15 concentration, other than a test required to start the vehicle, that is required at
16 random intervals during operation of a vehicle equipped with an ignition
17 interlock device.

1 Sec. 154. 23 V.S.A. § 3207a is amended to read:

2 § 3207a. OPERATING UNDER THE INFLUENCE OF ~~INTOXICATING~~
3 ~~LIQUOR~~ ALCOHOL OR DRUGS; SWI

4 (a) A person shall not operate, attempt to operate, or be in actual physical
5 control of a snowmobile on any lands, waters, or public highways of this State:

6 (1) when the person's alcohol concentration is 0.08 or more; or

7 (2) when the person is under the influence of ~~intoxicating liquor~~
8 alcohol; or

9 (3) when the person is under the influence of any other drug or under the
10 combined influence of alcohol and any other drug to a degree which renders
11 the person incapable of safely operating a snowmobile.

12 (b) A person who is a habitual user of or under the influence of any
13 narcotic drug or who is under the influence of any other drug, substance, or
14 inhalant other than ~~intoxicating liquor~~ alcohol to a degree which renders the
15 person incapable of safely operating a snowmobile may not operate, attempt to
16 operate, or be in actual physical control of a snowmobile.

17 * * *

18 (e) As used in this section, "~~intoxicating liquor~~" includes "alcohol,"
19 includes "alcohol," "malt beverages," "spirituous liquors spirits," "fortified
20 wines," and "vinous beverages" as defined in 7 V.S.A. § 2, and any beverage
21 or liquid containing any of them.

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Sec. 155. 23 V.S.A. § 3323 is amended to read:

§ 3323. OPERATING UNDER THE INFLUENCE OF ~~INTOXICATING~~
~~LIQUOR~~ ALCOHOL OR DRUGS; B.W.I.

(a) A person shall not operate, attempt to operate, or be in actual physical control of a vessel on the waters of this State while:

(1) there is 0.08 percent or more by weight of alcohol in his or her blood, as shown by analysis of his or her breath or blood; or

(2) under the influence of ~~intoxicating liquor~~ alcohol; or

(3) under the influence of any other drug or under the combined influence of alcohol and any other drug to a degree which renders the person incapable of operating safely.

(b) ~~For purposes of~~ As used in this section, ~~“intoxicating liquor” includes “alcohol;” includes “alcohol,” “malt beverages,” “spirituous liquors spirits,” “fortified wines,” and “vinous beverages” as defined in 7 V.S.A. § 2, and any beverage or liquid containing any of the foregoing them.~~

(c) A person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug, substance, or inhalant other than ~~intoxicating liquor~~ alcohol to a degree which renders the person incapable of safely operating a vessel may not operate, attempt to operate, or be in actual physical control of a vessel. The fact that a person

1 charged with a violation of this section is or has been entitled to use such drug
2 under the laws of this State shall not constitute a defense against any charge of
3 violating this section.

4 * * *

5 Sec. 156. 23 V.S.A. § 3506 is amended to read:

6 § 3506. OPERATION

7 * * *

8 (b) An all-terrain vehicle may not be operated:

9 * * *

10 (8) While the operator is under the influence of drugs or ~~intoxicating~~
11 ~~beverages~~ alcohol as defined by this title.

12 * * *

13 Sec. 157. 24 V.S.A. § 301 is amended to read:

14 § 301. PENALTY FOR REFUSAL TO ASSIST

15 A person being required in the name of the State by a sheriff, deputy sheriff,
16 high bailiff, deputy bailiff, or constable, who neglects or refuses to assist ~~such~~
17 ~~an~~ the officer in the execution of his or her office, in a criminal cause, ~~or~~ in the
18 preservation of the peace, ~~or~~ in the apprehension and securing of a person for a
19 breach of the peace, ~~or~~ in a search and seizure of ~~intoxicating liquors~~ alcohol as
20 defined in 7 V.S.A. § 2 or in transporting ~~such liquors~~ the alcohol when seized,
21 or in a case of escape or rescue of persons arrested on civil process, shall be

1 fined not more than \$500.00, unless the circumstances under which his or her
2 assistance is called for amount to a riot, in which case he or she shall be
3 imprisoned not more than six months or fined not more than \$100.00, or both.

4 Sec. 158. 29 V.S.A. § 902 is amended to read:

5 § 902. DUTIES OF COMMISSIONER OF BUILDINGS AND GENERAL
6 SERVICES

7 * * *

8 (f) The Commissioner of Buildings and General Services may also:

9 * * *

10 (4) receive, warehouse, manage, and distribute all State property and
11 commodities, except alcoholic beverages purchased ~~for~~ by the Liquor Control
12 Board; and all surplus federal property and commodities;

13 * * *

14 (i) Notwithstanding subsection (a) of this section, all alcoholic beverages
15 sold by the Liquor Control Board shall be purchased by the Board as set forth
16 in 7 V.S.A. §§ 104 and 107.

17 Sec. 159. 32 V.S.A. § 10203 is amended to read:

18 § 10203. DISTRIBUTION; RETAIL PURCHASE AND SALE

19 * * *

20 (f) Break-open tickets shall not be sold at premises licensed to sell
21 alcoholic beverages except ~~at clubs~~ for clubs as defined in 7 V.S.A. § ~~2(7)~~ 2.

1 However, a nonprofit organization may sell break-open tickets at premises
2 licensed to sell alcoholic beverages if, notwithstanding 13 V.S.A. § 2143(e), all
3 proceeds from the sale of the break-open tickets are used by the nonprofit
4 organization exclusively for charitable, religious, educational, and civic
5 undertakings, with only the following costs deducted from the proceeds:

6 (1) the actual cost of the break-open tickets;

7 (2) the prizes awarded;

8 (3) the reasonable legal fees necessary to organize the nonprofit
9 organization and to ~~assure~~ ensure compliance with all legal requirements; and

10 (4) the reasonable accounting fees necessary to account for the proceeds
11 from the sale of the break-open tickets.

12 * * *

13 Sec. 160. 33 V.S.A. § 5102 is amended to read:

14 § 5102. DEFINITIONS AND PROVISIONS OF GENERAL APPLICATION

15 As used in the juvenile judicial proceedings chapters, ~~unless the context~~
16 ~~otherwise requires:~~

17 * * *

18 (9) “Delinquent act” means an act designated a crime under the laws of
19 this State, or of another state if the act occurred in another state, or under
20 federal law. A delinquent act shall include a violation of 7 V.S.A. §§ § 656
21 ~~and 657~~; however, it shall not include:

1 (A) snowmobile offenses in 23 V.S.A. chapter 29, subchapter 1 and
2 motorboat offenses in 23 V.S.A. chapter 29, subchapter 2, except for violations
3 of sections 3207a, 3207b, 3207c, 3207d, and 3323;

4 (B) motor vehicle offenses committed by an individual who is at least
5 16 years of age, except for violations of 23 V.S.A. chapter 13, subchapter 13
6 and of 23 V.S.A. § 1091. *[Proposed for amendment to reflect repeal of*
7 *7 V.S.A. § 657 by 2015 (Adj. Sess.), No. 147, § 7.]*

8 * * *

9 Sec. 161. REPLACEMENTS

10 In the following sections, the phrase “intoxicating liquor” or “intoxicating
11 liquors,” wherever it appears, shall be replaced with “alcohol”:

12 (1) 5 V.S.A. §§ 427, 3728, and 3729;

13 (2) 9 V.S.A. § 3807;

14 (3) 13 V.S.A. §§ 4017, 5041, 5042, 5301, and 7601;

15 (4) 23 V.S.A. §§ 308, 1130, 1201, 1204, 1211, 1213, 1218, 3206,

16 3207d, 3311, 3325, 3326, 3905, and 4116; and

17 (5) 32 V.S.A. § 805.

18 Sec. 162. EFFECTIVE DATE

19 This act shall take effect on July 1, 2017.