

2015 -- H 5189

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES

Introduced By: Representatives Carson, McNamara, Fogarty, Bennett, and Ackerman

Date Introduced: January 21, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-1-1 of the General Laws in Chapter 3-1 entitled "General
2 Provisions" is hereby amended to read as follows:

3 **3-1-1. Definitions.** -- As used in this title, unless the context otherwise requires:

4 (1) "Beverage" means any liquid which either by itself or by mixture with any other
5 liquid or liquids is or may become fit for human consumption as a drink and which contains five-
6 tenths of one per cent (.5%) or more of alcohol by weight.

7 (2) "Club" means a corporation subject to the provisions of chapter 6 of title 7, owning,
8 hiring, or leasing a building or space in a building of such extent and character as may be suitable
9 and adequate for the reasonable and comfortable accommodation of its members, and whose
10 affairs and management are conducted by a board of directors, executive committee or other
11 similar body chosen by the members at a meeting held for that purpose, none of whose members,
12 officers, agents, or employees are paid directly or indirectly any compensation by way of profit
13 from the distribution or sale of beverages to the members of the club or to its guests beyond the
14 amount of any reasonable salary or wages as may be fixed and voted each year by the directors or
15 other governing body.

16 (3) "Department" means the department of business regulation.

17 (4) "Director" means the director of the department of business regulation.

18 (5) "Division of taxation" means the division of taxation of the department of
19 administration.

1 (6) "Farmer-winery" means any plant or premise where wine is produced, rectified,
2 blended or fortified from fruits, flowers, herbs or vegetables.

3 (7) "Import" means at one time or in one transaction to take or cause to be taken into this
4 state from outside the state any malt beverage in excess of eight (8) gallons or any vinous
5 beverage or any beverage consisting in whole or in part of alcohol produced by distillation in
6 excess of three (3) gallons.

7 (8) "Intoxicating beverage" means a beverage which contains more than three and two-
8 tenths percent (3.2%) of alcohol by weight.

9 (9) "Malt beverage" means any beverage which is usually produced at breweries, as
10 distinguished from distilleries.

11 (10) "Nonintoxicating beverage" means a beverage which contains not more than three
12 and two-tenths percent (3.2%) of alcohol by weight.

13 (11) "Tavern" means any house where the principal business is the furnishing of food
14 and sleeping accommodations.

15 (12) "Victualing house" means any shop or place where a substantial part of the business
16 is the furnishing of food for consumption at the place where it is furnished.

17 (13) "Winegrower" means any person licensed to operate a farmer's winery under § 3-6-
18 1.1.

19 (14) "Wines" means all fermented alcoholic beverages made from fruits, flowers, herbs,
20 or vegetables and containing not more than twenty-four percent (24%) of alcohol by volume at
21 sixty degrees Fahrenheit (60 degrees F), except cider obtained by the alcohol fermentation of the
22 juice of apples and containing not less than five tenths of one percent (.05%) or containing not
23 more than six percent (6%), of alcohol by weight at sixty degrees Fahrenheit (60 degrees F)
24 including but not limited to flavored, sparkling, or carbonated cider.

25 (15) "Powdered alcohol" means alcohol prepared for sale or other distribution in a dry
26 powder form for direct consumption or reconstitution.

27 SECTION 2. Chapter 3-8 of the General Laws entitled "Regulation of Sales" is hereby
28 amended by adding thereto the following section:

29 **3-8-17. Possession or sale of powdered alcohol prohibited.** – (a) It is unlawful for a
30 person, firm, or corporation to use, offer for use, purchase, offer to purchase, sell, offer to sell, or
31 possess powdered alcohol.

32 (b) A person, firm, or corporation violating the provisions of § 3-8-17(a) and pleading
33 guilty or nolo contendere, or being convicted after trial, shall, for a first offense, be punished by a
34 fine of not less than three hundred fifty dollars (\$350) nor more than one thousand dollars

1 (\$1,000) and/or imprisoned for a period not exceeding six (6) months, or both. For a second
2 offense, the fine shall be of not less than seven hundred fifty dollars (\$750) nor more than one
3 thousand dollars (\$1,000) and/or imprisonment for a period not exceeding one year or both. For a
4 third or subsequent violation, the punishment shall be a fine of not less than one thousand dollars
5 (\$1,000) nor more than two thousand five hundred dollars (\$2,500) and/or imprisonment not
6 exceeding three (3) years. Any person convicted of a second or subsequent offense under of this
7 section shall not have any fine suspended.

8 (c) This section shall not apply to the use of powdered alcohol for bona fide research
9 purposes by a health care provider that operates primarily for the purpose of conducting scientific
10 research; state institution; private college or university; or pharmaceutical or biotechnology
11 company.

12 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make the possession of powdered alcohol a crime punishable by a fine
2 and/or imprisonment.

3 This act would take effect upon passage.

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