A N A C T

RELATING TO ALCOHOLIC BEVERAGES

Introduced By: Senators Lombardo, Crowley, Ruggerio, and Walaska

Date Introduced: January 13, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

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

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

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

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

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

(5) "Division of taxation" means the division of taxation of the department of administration.
(6) "Farmer-winery" means any plant or premise where wine is produced, rectified, blended or fortified from fruits, flowers, herbs or vegetables.

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

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

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

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

(11) "Powdered alcohol" means alcohol prepared for sale or other distribution in a dry powder or crystalline or encapsulated in dry or crystalline form for direct consumption or reconstitution.

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

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

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

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

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

3-8-17. Possession or sale of powdered alcohol prohibited. -- (a) It is unlawful for a person, firm, or corporation to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered alcohol, subject to the provisions of §3-11-5.

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

SECTION 3. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL

OF

A N A C T
RELATING TO ALCOHOLIC BEVERAGES

***

1 This act would make the possession, purchase, or sale of powdered alcohol a crime punishable by a fine not to exceed one thousand dollars ($1,000).

2

3 This act would take effect upon passage.

============
LC003209
============