

2016 -- S 2061

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES

Introduced By: Senators Crowley, Sosnowski, Jabour, and Conley

Date Introduced: January 13, 2016

Referred To: Senate 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) "Alcohol inhalation" means a method of administering ethanol or alcoholic beverages  
5 directly into the respiratory system, with the aid of a vaporizing or nebulizing device.

6 (2) "Alcohol without liquid device" means a device, machine, apparatus, or appliance  
7 that is designed or marketed for the purpose of inhaling alcohol vapor or otherwise introducing  
8 alcohol in any form into the human body including, but not limited to, introducing a heating  
9 element to convert the alcohol to a vapor or by mixing alcohol with pure or diluted oxygen, or  
10 another gas, to produce an alcoholic vapor that an individual can inhale or snort. An alcohol  
11 without liquid device does not include an inhaler, nebulizer, atomizer, or other device that is  
12 designed and intended by the manufacturer to dispense a prescribed or over-the-counter  
13 medication.

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

17 ~~(2)~~(4) "Club" means a corporation subject to the provisions of chapter 6 of title 7,  
18 owning, hiring, or leasing a building or space in a building of such extent and character as may be  
19 suitable and adequate for the reasonable and comfortable accommodation of its members, and

1 whose affairs and management are conducted by a board of directors, executive committee or  
2 other similar body chosen by the members at a meeting held for that purpose, none of whose  
3 members, officers, agents, or employees are paid directly or indirectly any compensation by way  
4 of profit from the distribution or sale of beverages to the members of the club or to its guests  
5 beyond the amount of any reasonable salary or wages as may be fixed and voted each year by the  
6 directors or other governing body.

7 ~~(3)~~(5) "Department" means the department of business regulation.

8 ~~(4)~~(6) "Director" means the director of the department of business regulation.

9 ~~(5)~~(7) "Division of taxation" means the division of taxation of the department of  
10 administration.

11 ~~(6)~~(8) "Farmer-winery" means any plant or premise where wine is produced, rectified,  
12 blended or fortified from fruits, flowers, herbs or vegetables.

13 ~~(7)~~(9) "Import" means at one time or in one transaction to take or cause to be taken into  
14 this state from outside the state any malt beverage in excess of eight (8) gallons or any vinous  
15 beverage or any beverage consisting in whole or in part of alcohol produced by distillation in  
16 excess of three (3) gallons.

17 ~~(8)~~(10) "Intoxicating beverage" means a beverage which contains more than three and  
18 two-tenths percent (3.2%) of alcohol by weight.

19 ~~(9)~~(11) "Malt beverage" means any beverage which is usually produced at breweries, as  
20 distinguished from distilleries.

21 ~~(10)~~(12) "Nonintoxicating beverage" means a beverage which contains not more than  
22 three and two-tenths percent (3.2%) of alcohol by weight.

23 ~~(11)~~(13) "Tavern" means any house where the principal business is the furnishing of  
24 food and sleeping accommodations.

25 ~~(12)~~(14) "Victualing house" means any shop or place where a substantial part of the  
26 business is the furnishing of food for consumption at the place where it is furnished.

27 ~~(13)~~(15) "Winegrower" means any person licensed to operate a farmer's winery under §  
28 3-6-1.1.

29 ~~(14)~~(16) "Wines" means all fermented alcoholic beverages made from fruits, flowers,  
30 herbs, or vegetables and containing not more than twenty-four percent (24%) of alcohol by  
31 volume at sixty degrees Fahrenheit (60 degrees F), except cider obtained by the alcohol  
32 fermentation of the juice of apples and containing not less than five tenths of one percent (.05%)  
33 or containing not more than six percent (6%), of alcohol by weight at sixty degrees Fahrenheit  
34 (60 degrees F) including but not limited to flavored, sparkling, or carbonated cider.

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

3           **3-8-17. Possession or sale of alcohol without liquid device prohibited.** -- (a) It is  
4 unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or  
5 possess an alcohol without liquid device as defined in §3-1-1.

6           (b) This section shall not apply to a healthcare provider that operates primarily for the  
7 purpose of conducting scientific research, a state institution conducting bona fide research, a  
8 private college or university conducting bona fide research, or to a pharmaceutical company or  
9 biotechnology company conducting bona fide research.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ALCOHOLIC BEVERAGES

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- 1           This act would make the possession of an alcohol without liquid device a crime
- 2           punishable by a fine and/or imprisonment.
- 3           This act would take effect upon passage.

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