

2022 -- H 7209 SUBSTITUTE A

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LC004248/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

**RELATING TO ALCOHOLIC BEVERAGES -- MANUFACTURING AND WHOLESALE
LICENSES -- RETAIL LICENSES**

Introduced By: Representatives Baginski, McEntee, and Caldwell

Date Introduced: January 26, 2022

Referred To: House Small Business

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-6-1.2 of the General Laws in Chapter 3-6 entitled "Manufacturing
2 and Wholesale Licenses" is hereby amended to read as follows:

3 **3-6-1.2. Brewpub manufacturer's license.**

4 (a) A brewpub manufacturer's license shall authorize the holder to establish and operate a
5 brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of the
6 beverages manufactured on the location for consumption on the premises. The license shall not
7 authorize the retail sale of beverages from any location other than the location set forth in the
8 license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-
9 gallon bottle known as a "growler" to consumers for off the premises consumption to be sold
10 pursuant to the laws governing retail Class A establishments. The license also authorizes the sale
11 of beverages produced on the premises in an amount not in excess of forty-eight (48) twelve-ounce
12 (12 oz.) bottles or cans or forty-eight (48) sixteen-ounce (16 oz.) bottles or cans of malt beverages,
13 or one thousand five hundred milliliters (1,500 ml) of distilled spirits per visitor, per day, to be sold
14 in containers that may hold no more than seventy-two ounces (72 oz.) each. These beverages may
15 be sold to the consumers for off-premises consumption, and shall be sold pursuant to the laws
16 governing retail Class A establishments.

17 (b) The license shall also authorize the sale at wholesale at the licensed place by the
18 manufacturer of the product of his or her licensed plant as well as beverages produced for the

1 brewpub and sold under the brewpub's name to a holder of a wholesaler's license and the
2 transportation and delivery from the place of sale to the licensed wholesaler or to a common carrier
3 for that delivery.

4 (c) The brewpub manufacturer's license further authorizes the sale of beverages
5 manufactured on the premises to any person holding a valid wholesaler's and importer's license
6 under § 3-6-9 or § 3-6-11.

7 (d) The annual fee for the license is one thousand dollars (\$1,000) for a brewpub producing
8 more than fifty thousand gallons (50,000 gal.) per year and five hundred dollars (\$500) per year for
9 a brewpub producing less than fifty thousand gallons (50,000 gal.) per year. The annual fee is
10 prorated to the year ending December 1 in every calendar year and paid to the general treasurer for
11 the use of the state.

12 (e) ~~Expires March 1, 2022.~~ A holder of a brewpub manufacturer's license will be
13 permitted to sell, with take-out food orders, up to two (2) seven hundred fifty millimeter (750 ml)
14 bottles of wine or the equivalent volume of wine in smaller factory sealed containers, or seventy-
15 two ounces (72 oz.) of mixed wine-based drinks or single-serving wine in containers sealed in such
16 a way as to prevent re-opening without obvious evidence that the seal was removed or broken, one
17 hundred forty-four ounces (144 oz.) of beer or mixed beverages in original factory sealed
18 containers, and one hundred forty-four ounces (144 oz.) of draft beer or seventy-two ounces (72
19 oz.) of mixed beverages containing not more than nine ounces (9 oz.) of distilled spirits in growlers,
20 bottles, or other containers sealed in such a way as to prevent re-opening without obvious evidence
21 that the seal was removed or broken, provided such sales shall be made in accordance with § 1.4.10
22 of the department of business regulation (DBR) liquor control administration regulations, 230-
23 RICR-30-10-1, and any other DBR regulations.

24 (1) ~~Expires March 1, 2022.~~ Delivery of alcoholic beverages with food from a brewpub
25 licensee is prohibited.

26 (2) The provisions of subsection (e) and (e)(1) of this section shall remain permanent and
27 any sunset provision pursuant to section 3 of chapter 129 or section 3 of chapter 130 of the public
28 laws of 2021 shall be void.

29 SECTION 2. Section 3-7-7 of the General Laws in Chapter 3-7 entitled "Retail Licenses"
30 is hereby amended to read as follows:

31 **3-7-7. Class B license.**

32 (a)(1) A retailer's Class B license is issued only to a licensed bona fide tavern keeper or
33 victualer whose tavern or victualing house may be open for business and regularly patronized at
34 least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or

1 served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. Local licensing boards may
2 fix an earlier closing time within their jurisdiction, at their discretion. The East Greenwich town
3 council may, in its discretion, issue full and limited Class B licenses which may not be transferred,
4 but which shall revert to the town of East Greenwich if not renewed by the holder. The Cumberland
5 town council may, in its discretion, issue full and limited Class B licenses which may not be
6 transferred to another person or entity, or to another location, but which shall revert to the town of
7 Cumberland if not renewed by the holder.

8 The Pawtucket city council may, in its discretion, issue full and limited Class B licenses
9 which may not be transferred to another person or entity, or to another location, but which shall
10 revert to the city of Pawtucket if not renewed by the holder. This legislation shall not affect any
11 Class B license holders whose licenses were issued by the Pawtucket city council with the right to
12 transfer.

13 (2) The license authorizes the holder to keep for sale and sell beverages including beer in
14 cans, at retail at the place described and to deliver them for consumption on the premises or place
15 where sold, but only at tables or a lunch bar where food is served. It also authorizes the charging
16 of a cover, minimum, or door charge. The amount of the cover, or minimum, or door charge shall
17 be posted at the entrance of the establishments in a prominent place.

18 (i) ~~{Expires March 1, 2022}~~. A holder of a Class B license will be permitted to sell, with
19 take-out food orders, up to two (2) seven hundred fifty millimeter (750 ml) bottles of wine or the
20 equivalent volume of wine in smaller factory sealed containers, or seventy-two ounces (72 oz.) of
21 mixed wine-based drinks or single-serving wine in containers sealed in such a way as to prevent
22 re-opening without obvious evidence that the seal was removed or broken, one hundred forty-four
23 ounces (144 oz.) of beer or mixed beverages in original factory sealed containers, and one hundred
24 forty-four ounces (144 oz.) of draft beer or seventy-two ounces (72 oz.) of mixed beverages
25 containing not more than nine ounces (9 oz.) of distilled spirits in growlers, bottles, or other
26 containers sealed in such a way as to prevent re-opening without obvious evidence that the seal was
27 removed or broken, provided such sales shall be made in accordance with § 1.4.10 of the
28 department of business regulation (DBR) liquor control administration regulations, 230-RICR-30-
29 10-1, and any other DBR regulations. A Class B license holder shall not sell alcoholic beverages
30 under the provisions of this subsection for a lower price than what is charged for the same beverage
31 for consumption on the premises.

32 (ii) ~~{Expires March 1, 2022}~~. Delivery of alcoholic beverages with food from a Class B
33 licensee is prohibited.

34 (iii) The provisions of subsection (a)(2)(i) and (a)(2)(ii) of this section shall remain

1 [permanent and any sunset provision pursuant to section 3 of chapter 129 or section 3 of chapter](#)
2 [130 of the public laws of 2021 shall be void.](#)

3 (3) Holders of licenses are not permitted to hold dances within the licensed premises, unless
4 proper permits have been properly obtained from the local licensing authorities.

5 (4) Any holder of a Class B license may, upon the approval of the local licensing board
6 and for the additional payment of two hundred dollars (\$200) to five hundred dollars (\$500), open
7 for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before legal
8 state holidays may close at two o'clock (2:00) a.m. All requests for a two o'clock (2:00) a.m. license
9 shall be advertised by the local licensing board in a newspaper having a circulation in the county
10 where the establishment applying for the license is located.

11 (5) A holder of a retailer's Class B license is allowed to erect signs advertising his or her
12 business and products sold on the premises, including neon signs, and is allowed to light those signs
13 during all lawful business hours, including Sundays and holidays.

14 (6) Notwithstanding the provisions of subsection (a) and/or § 3-7-16.4, a holder of a retail
15 class B and/or class ED license may apply to the municipality in which the licensee is located for
16 a permit to conduct a so-called "Lock-In Event", under the following conditions:

17 (i) A "Lock-In Event" is defined as an event where a specified group of individuals are
18 permitted to remain in a licensed premises after closing hours including, but not limited to, the
19 hours of 1:00 a.m. to 6:00 a.m.

20 (ii) A Lock-In Event must have the approval of the municipal licensing authority pursuant
21 to a permit issued for each such event, subject to such conditions as may attach to the permit. The
22 fee for the permit shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars
23 (\$100). The granting or denial of a Lock-In Event permit shall be in the sole discretion of the
24 municipal licensing authority and there shall be no appeal from the denial of such a permit.

25 (iii) During the entire period of any Lock-In Event, all alcoholic beverages must be secured
26 in place or removed from the public portion of the premises and secured to the satisfaction of the
27 municipality issuing the Lock-In Event permit.

28 (iv) During the Lock-In Event, the establishment shall be exclusively occupied by the
29 Lock-In Event participants and no other patrons shall be admitted to the premises who are not
30 participants. It shall be a condition of the permit that participants shall not be admitted more than
31 thirty (30) minutes after the permitted start time of the Lock-In Event, except in the event of
32 unforeseen travel delays, nor permitted to re-enter the event if they leave the licensed premises.

33 (v) As part of the Lock-In Event, food shall be served.

34 (vi) The municipal licensing authority may, in its sole discretion, require the presence of a

1 police detail, for some or all of the event, and the number of officers required, if any, shall be
2 determined by the municipality as part of the process of issuing the Lock-In Event permit. The
3 licensee shall be solely responsible for the cost of any such required police detail.

4 (b) The annual license fee for a tavern keeper shall be four hundred dollars (\$400) to two
5 thousand dollars (\$2,000), and for a victualer the license fee shall be four hundred dollars (\$400)
6 to two thousand dollars (\$2,000). In towns with a population of less than two thousand five hundred
7 (2,500) inhabitants, as determined by the last census taken under the authority of the United States
8 or the state, the fee for each retailer's Class B license shall be determined by the town council, but
9 shall in no case be less than three hundred dollars (\$300) annually. If the applicant requests it in his
10 or her application, any retailer's Class B license may be issued limiting the sale of beverages on the
11 licensed premises to malt and vinous beverages containing not more than twenty percent (20%)
12 alcohol by volume, and the fee for that limited Class B license shall be two hundred dollars (\$200)
13 to one thousand five hundred dollars (\$1,500) annually. The fee for any Class B license shall in
14 each case be prorated to the year ending December 1 in every calendar year.

15 (1) Upon the approval and designation of a district or districts within its city or town by
16 the local licensing board, the local licensing board may issue to any holder of a Class B license or
17 a Class ED license, an extended hours permit to extend closing hours on Thursdays, Fridays and
18 Saturdays, the night before a legal state holiday or such other days as determined by the local board,
19 for one hour past such license holder's legal closing time as established by the license holder's
20 license or licenses including, but not limited to, those issued pursuant to subsection (a)(4) of this
21 section. The extended hours permit shall not permit the sale of alcohol during the extended one-
22 hour period and shall prohibit the admittance of new patrons in the establishment during the
23 extended one-hour period. The designation of such district(s) shall be for a duration of not less than
24 six (6) months. Prior to designating any such district, the local licensing authority shall hold a
25 hearing on the proposed designation. The proposed designation shall include the boundaries of the
26 proposed district, the applicable days for the extended hours, and the duration of the designation
27 and the conditions imposed. The proposed designation shall be advertised at least once per week
28 for three (3) weeks prior to the hearing in a newspaper in general circulation in the city or town.
29 The city or town will establish an application process for an extended hours permit for such license
30 holder and may adopt rules and regulations to administer the permit.

31 SECTION 3. Section 3 of Chapter 129 of the Public Laws of 2021 entitled "An Act
32 Relating to Alcoholic Beverages - Retail Licenses", is hereby amended to read as follows:

33 SECTION 3. This act shall take effect upon passage ~~and shall sunset on March 1, 2022.~~

34 SECTION 4. Section 3 of chapter 130 of the Public Laws of 2021 entitled "An Act Relating

1 to Alcoholic Beverages - Retail Licenses", is hereby amended to read as follows:

2 SECTION 3. This act shall take effect upon passage ~~and shall sunset on March 1, 2022.~~

3 SECTION 5. 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 -- MANUFACTURING AND WHOLESALE
LICENSES -- RETAIL LICENSES

1 This act would void the March 1, 2022, sunset provision contained in the act authorizing a
2 holder of a Class B or brew pub manufacturer's license to sell specified amounts of wine, beer and
3 mixed alcoholic beverages with takeout food orders; however, sale of all other alcoholic beverages
4 and any delivery of alcoholic beverages would be prohibited.

5 This act would take effect upon passage.

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