

2021 -- H 5255 SUBSTITUTE A

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LC001030/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - MANUFACTURING AND WHOLESALE
LICENSES - BREWERIES AND DISTILLERIES

Introduced By: Representatives Caldwell, Phillips, S Lima, Hawkins, Corvese, McEntee,
and Place

Date Introduced: January 29, 2021

Referred To: House Small Business

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-6-1 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. Manufacturer's license.**

4 (a) A manufacturer's license authorizes the holder to establish and operate a brewery,
5 distillery, or winery at the place described in the license for the manufacture of beverages within
6 this state. The license does not authorize more than one of the activities of operator of a brewery or
7 distillery or winery and a separate license shall be required for each plant.

8 (b) The license also authorizes the sale at wholesale, at the licensed place by the
9 manufacturer of the product of the licensed plant, to another license holder and the transportation
10 and delivery from the place of sale to a licensed place or to a common carrier for that delivery. The
11 license does authorize the sale of beverages for consumption on premises where sold; provided that
12 the manufacturer does not sell an amount in excess of thirty-six ounces (36 oz.) of malt beverage
13 or four and one-half ounces (4.5 oz.) of distilled spirits per visitor, per day, or a combination not
14 greater than three (3) drinks where a drink is defined as twelve ounces (12 oz.) of beer or one and
15 one-half ounces (1.5 oz.) of spirits, for consumption on the premises. The license also authorizes
16 the sale of beverages produced on the premises in an amount not in excess of ~~twenty-four (24)~~
17 forty-eight (48) twelve-ounce (12 oz.) bottles or cans or ~~twenty-four (24)~~ forty-eight (48) sixteen-
18 ounce (16 oz.) bottles or cans of malt beverages, or ~~seven-hundred-fifty milliliters (750 ml)~~ one

1 [thousand five hundred milliliters \(1500 ml\)](#) of distilled spirits per visitor, per day, to be sold in
2 containers that may hold no more than seventy-two ounces (72 oz.) each. These beverages may be
3 sold to the consumers for off-premises consumption, and shall be sold pursuant to the laws
4 governing retail Class A establishments. The containers for the sale of beverages for off-premises
5 consumption shall be sealed. The license does not authorize the sale of beverages in this state for
6 delivery outside this state in violation of the law of the place of delivery. The license holder may
7 provide to visitors, in conjunction with a tour or tasting, samples, clearly marked as samples, not
8 to exceed three hundred seventy-five milliliters (375 ml) per visitor for distilled spirits and seventy-
9 two ounces (72 oz.) per visitor for malt beverages at the licensed plant by the manufacturer of the
10 product of the licensed plant to visitors for off-premises consumption. The license does not
11 authorize providing samples to a visitor of any alcoholic beverages for off-premises consumption
12 that are not manufactured at the licensed plant. [All manufacturer licenses conducting retail sales
13 and/or providing samples shall be subject to compliance with alcohol server training and liquor
14 liability insurance requirements set forth in §§ 3-7-6.1 and 3-7-29 and the regulations promulgated
15 thereunder.](#)

16 (c) The annual fee for the license is three thousand dollars (\$3,000) for a distillery
17 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) for a
18 distillery producing less than or equal to fifty thousand (50,000) gallons per year; five hundred
19 dollars (\$500) for a brewery; and one thousand five hundred dollars (\$1,500) for a winery
20 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per
21 year for a winery producing less than fifty thousand (50,000) gallons per year. All those fees are
22 prorated to the year ending December 1 in every calendar year and shall be paid to the general
23 treasurer for the use of the state.

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

26 **3-6-1.2. Brewpub manufacturer's license.**

27 (a) A brewpub manufacturer's license shall authorize the holder to establish and operate a
28 brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of the
29 beverages manufactured on the location for consumption on the premises. The license shall not
30 authorize the retail sale of beverages from any location other than the location set forth in the
31 license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-
32 gallon bottle known as a "growler" to consumers for off the premises consumption to be sold
33 pursuant to the laws governing retail Class A establishments. [The license also authorizes the sale
34 of beverages produced on the premises in an amount not in excess of forty-eight \(48\) twelve-ounce](#)

1 (12 oz.) bottles or cans or forty-eight (48) sixteen-ounce (16 oz.) bottles or cans of malt beverages,
2 or one thousand five hundred milliliters (1500 ml) of distilled spirits per visitor, per day, to be sold
3 in containers that may hold no more than seventy-two ounces (72 oz.) each. These beverages may
4 be sold to the consumers for off-premises consumption, and shall be sold pursuant to the laws
5 governing retail Class A establishments.

6 (b) The license shall also authorize the sale at wholesale at the licensed place by the
7 manufacturer of the product of his or her licensed plant as well as beverages produced for the
8 brewpub and sold under the brewpub's name to a holder of a wholesaler's license and the
9 transportation and delivery from the place of sale to the licensed wholesaler or to a common carrier
10 for that delivery.

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

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

19 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 - MANUFACTURING AND WHOLESALE
LICENSES - BREWERIES AND DISTILLERIES

- 1 This act would modify limitations on quantities of malt beverages and distilled spirits that
- 2 can be sold at retail by certain licensed breweries and distilleries for off-premises consumption.
- 3 This act would take effect upon passage.

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