

HB 2155 -- TRANSFER OF INTOXICATING LIQUOR (Schroer)

COMMITTEE OF ORIGIN: Standing Committee on General Laws

This bill allows employees of licensed wholesalers who are between the ages of 18 and 20 to unload delivery vehicles and transfer intoxicating liquor into retail licensed premises only when they are supervised by a delivery vehicle driver who is at least 21 years old. Currently, employees need to be 21 or older to perform this task.

This bill allows employees over the age of 18 to carry intoxicating liquor out of a licensed retail establishment to a customer's vehicle.

This bill requires that all intoxicating liquor purchased for resale in this state prior to being resold at retail physically come into the possession of a licensed wholesaler and be unloaded in, and distributed from, the licensed wholesaler's warehouse in this state, except for certain types of intoxicating liquor purchased or sold by specified manufacturers. Currently, the law requires only that malt beverages, and not all intoxicating liquor, physically come into the possession of wholesalers, and be distributed through wholesaler warehouses in this state.

This bill adds powdered alcohol to the definition of intoxicating liquor used in state liquor control laws. The bill requires anyone shipping or delivering powdered alcohol to a resident of this state for personal use to have an alcohol carrier license.

This bill specifies that a wholesaler cannot directly or indirectly fund the cost of any cash rebate coupon provided by manufacturers of intoxicating liquor. The bill also authorizes retailers of intoxicating liquor to offer and advertise coupons, premiums, prizes, rebates, and other promotional programs of any type to consumers as an inducement to purchase alcohol, so long as no advertisement for intoxicating liquor contains a price that is below the retailer's actual cost. The retailer must assume the cost of the sale or discounted price. Retailers who offer a loyalty program for intoxicating liquor purchases must include all intoxicating liquors in the loyalty program and the rewards must be applied at the same rate for all intoxicating liquor purchases. The bill allows retailers to purchase, publish, or display advertisements of intoxicating liquors that list the amount of the rebate or discount and the retail price after the rebate or discount.

This bill specifies that any person, firm, or corporation who owns and operates more than one premise licensed to sell intoxicating

liquor at retail may, with the permission of the supervisor of liquor control, designate one or more places in this state as a central warehouse in which liquor, except beer and other malt liquor, purchased from a wholesaler may be delivered and stored. The liquor stored in such warehouses may then be transferred to any premise in the state licensed to sell intoxicating liquor at retail which is owned and operated by the same person, firm, or corporation.

This bill modifies the definitions of "equipment and supplies," "dispensing accessories," and "temporary point-of-sale advertising materials," and creates a definition for "nonrefrigeration keg flow accessories."

Currently, a distiller, wholesaler, winemaker, or brewer may give or sell product displays to a retail business if the total value of such displays does not exceed \$300 per brand, per retail outlet. This act changes this limit to \$400 per brand, per retail outlet. Further, this act changes the limit on the amount of permanent point-of-sale advertising materials that may be sold or given to a retailer from \$500 to \$700 per year, per brand, per retail outlet. The replacement of similar permanent point-of-sale advertising materials that are damaged and nonfunctioning shall not apply towards the maximum of \$700.

Currently, all permanent point-of-sale advertising materials provided to a retailer shall be recorded, with such records kept for three years. Under this bill, records shall only be kept for two years.

Under this bill, wholesalers, brewers, distillers, and winemakers may install only non-refrigeration beer, or non-refrigeration distilled spirits and wine and beer dispensing accessories at a retail business establishment, and the list of tools that may be lent for such dispensing is limited under this bill. Any other dispensing accessories not listed in this bill shall be sold in the same manner as other equipment and supplies. Further, certain dispensing accessories and nonrefrigeration keg flow accessories listed in this bill may be loaned by a wholesaler, brewer, distiller, or winemaker to a retailer only if a deposit is given by the retailer in an amount that covers the cost of such dispensing accessories and nonrefrigeration keg flow accessories. A deposit payment for such equipment is required if an equipment item is loaned for more than 10 days within a 30-day period. A complete record of equipment given, rented, sold, installed, and loaned, and repairs and services made to a retailer, is required for a period of not less than two years.

This bill provides that wine manufacturers who hold a license to sell intoxicating liquor by the drink at retail for consumption on the premises shall be exempt from a requirement that such liquor be purchased from a distributor so long as it was produced on the premises.

This bill specifies that the Division of Alcohol and Tobacco Control Fund shall be a dedicated fund used solely by the Division of Alcohol and Tobacco Control within the Department of Public Safety for administration, implementation, and enforcement of the sections specified in the bill.

This bill is similar to SB 808 (2018).