

# RESOLUTION OF THE CITY COUNCIL

No. 126

Approved April 15, 2016

WHEREAS, Creating safe and vibrant places for people to socialize attracts tourism, outside investment, and customers to Providence, providing an important boost to the local economy; and

WHEREAS, Constituents, business owners, and public safety officials have all contacted the Providence City Council with concerns about liquor licenses and the regulation of licensees; and

WHEREAS, Research, testimony, and legal analysis have led to the consensus that a considerable part of the problems stem from a licensing framework that does not reflect the reality of businesses in Providence; and

WHEREAS, The current licensing structure has created a situation in which businesses can present themselves as neighborhood restaurants when petitioning for licenses, but then functionally operate as nightclubs, and the local licensing authority has little to no ability to intervene; and

WHEREAS, Passing House Bill 7953 and Senate Bill 2702 would rectify this situation by clarifying certain licenses, establishing new types of licenses that accurately reflect the types of businesses operating in Providence, and granting the City's Board of Licenses new authority to oversee and regulate establishments that violate the terms of their licenses; and

WHEREAS, Passing these bills would not only create the necessary framework for licensing in Providence, it would increase predictability for businesses, improve quality of life for residents, and reduce the burden on our police; and

WHEREAS, House Bill 7953 and Senate Bill 2702 balance the importance of liquor license-holding businesses to the local economy, the unique set of concerns faced by residents who live in the vicinity of those businesses, and the need for fair and efficient license enforcement.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence hereby urges and respectfully requests that the Rhode Island General Assembly pass House Bill 7953 and Senate Bill 2702; and

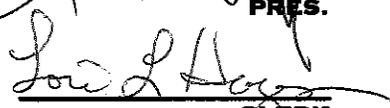
BE IT FURTHER RESOLVED, That, upon passage, copies of the resolution be sent to the Speaker of the House, the President of the Senate, the House Majority Leader, the Senate Majority Leader, and the entire Providence delegation of the General Assembly.

**IN CITY COUNCIL**

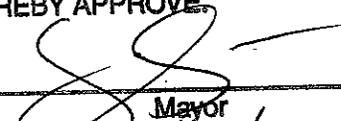
**APR 07 2016**

**READ AND PASSED**

  
\_\_\_\_\_  
**PRES.**

  
\_\_\_\_\_  
**CLERK**

**I HEREBY APPROVE**

  
\_\_\_\_\_  
**Mayor**

Date: 4/15/16

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- LIQUOR CONTROL ADMINISTRATION

Introduced By: Representatives Almeida, McKiernan, Palangio, Diaz, and Regunberg

Date Introduced: March 17, 2016

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-2-2 of the General Laws in Chapter 3-2 entitled "Liquor Control  
2 Administration" is hereby amended to read as follows:

3 **3-2-2. Supervision.** -- (a) The department has general supervision of the conduct of the  
4 business of manufacturing, importing, exporting, storing, transporting, keeping for sale, and  
5 selling beverages.

6 (b) The department may lease a warehouse for the purpose of efficiently exercising its  
7 powers and duties of inspection and may upon reasonable charges store beverages for license  
8 holders in the warehouse. No lease shall be for a longer period than five (5) years and every lease  
9 shall contain the provision that if it becomes unlawful to manufacture, keep for sale, and to sell  
10 beverages in this state it shall become void.

11 (c) The department has the power at any time to issue, renew, revoke and cancel all  
12 manufacturers', wholesalers' and retailers' Class G licenses and permits as are provided for by this  
13 title.

14 (d) The department shall supervise and inspect all licensed places to enforce the  
15 provisions of this title and the conditions, rules and regulations which the department establishes  
16 and authorizes.

17 (e) Nothing contained in this chapter shall be deemed to supersede the authority vested in  
18 cities and towns pursuant to chapters 22, 23 and 24 of title 5.

19 SECTION 2. Section 3-5-21 of the General Laws in Chapter 3-5 entitled "Licenses

1 Generally" is hereby amended to read as follows:

2 ~~3-5-21. Revocation or suspension of licenses — Fines for violating conditions of~~

3 license Revocation or suspension of licenses — Fines and penalties for violating conditions of

4 license. -- (a) Every licensee, and any agents or employees of the licensee, shall have an  
5 affirmative duty to cooperate with local boards and law enforcement investigating any potential  
6 licensing violation at the licensee's establishment, including, but not limited to, providing any  
7 video recordings of the premises, answering the questions of the local boards and law  
8 enforcement, and providing immediate and full access to the licensee's premises. Any failure of a  
9 licensee, its agents or employees, to comply with this provision shall constitute an independent  
10 basis for revocation or suspension of the license.

11 (b) Every license is subject to revocation or suspension and a licensee is subject to fine by  
12 the board, body or official issuing the license, or by the department or by the division of taxation,  
13 on its own motion, for:

14 (1) Any breach by the holder of the license of the conditions on which it was issued; or

15 (2) Any ~~for~~ violation by the holder of the license of any rule or regulation applicable to  
16 the licensee; or ~~or for breach of any provisions of this section.~~

17 (3) Any fraudulent act or "material misrepresentation" made by an applicant for a license  
18 or a licensee, including, but not limited to, any misrepresentation concerning the format of the  
19 establishment, and/or any other information on which the licensing board reasonably relies in  
20 rendering any decision concerning a license, licensee or establishment; or

21 (4) Failure to cooperate with local boards and law enforcement as required by subsection  
22 (a) of this section; or

23 (5) For breach of any provisions of this chapter; or

24 (6) For operating in any manner inconsistent with the license, or in any manner consistent  
25 with another class license without first coming before the board for a new license application.

26 (b)(c) Any fine imposed pursuant to this section shall not exceed five hundred dollars  
27 (\$500) for the first offense and shall not exceed one thousand dollars (\$1,000) for each  
28 subsequent offense. For the purposes of this section, any offense committed by a licensee three  
29 (3) years after a previous offense shall be considered a first offense.

30 (e)(d) In the event that a licensee is required to hire a police detail and the police refuse  
31 to place a detail at the location because a licensee has failed to pay outstanding police detail bills  
32 or to reach a payment plan agreement with the police department, the license board may prohibit  
33 the licensee from opening its place of business until such time as the police detail bills are paid or  
34 a payment plan agreement is reached.

1           (e) Upon any violation by a licensee under §3-5-21(b), the local licensing board, at its  
2 sole discretion, may impose a limitation on the hours of operation of the licensee, regardless of  
3 the license type, and notwithstanding any prior approval of an application for a later closing time.

4           SECTION 3. Sections 3-7-7, 3-7-7.3, 3-7-8, 3-7-16.6 and 3-7-19 of the General Laws in  
5 Chapter 3-7 entitled "Retail Licenses" are hereby amended to read as follows:

6           3-7-7. ~~Class B license~~ Class B license – Food prepared on premises. -- (a) (1) A  
7 retailer's Class B license is issued only to a licensed bona fide tavern keeper or victualer whose  
8 tavern or victualing house may be open for business and regularly patronized at least from nine  
9 o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or served after one  
10 o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. Local licensing boards may fix an earlier  
11 closing time within their jurisdiction, at their discretion. The East Greenwich town council may,  
12 in its discretion, issue full and limited Class B licenses which may not be transferred, but which  
13 shall revert to the town of East Greenwich if not renewed by the holder. The Cumberland town  
14 council may, in its discretion, issue full and limited Class B licenses which may not be transferred  
15 to another person or entity, or to another location, but which shall revert to the town of  
16 Cumberland if not renewed by the holder.

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

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

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

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

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

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

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

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

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

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

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

25 (vi) The municipal licensing authority may, in its sole discretion, require the presence of  
26 a police detail, for some or all of the event, and the number of officers required, if any, shall be  
27 determined by the municipality as part of the process of issuing the Lock-In Event permit. The  
28 licensee shall be solely responsible for the cost of any such required police detail.

29 (7) Any holder of a Class B license must serve food for the entire time they are serving  
30 alcohol. At certain times the licensee may choose to serve a limited menu; however, in no event  
31 shall any limited menu include less than fifty percent (50%) of the menu items available on the  
32 full menu. In the city of Providence, a Class B license holder must provide the board of licenses a  
33 copy of both the full menu and the limited menu upon application, as well as at any time in which  
34 either menu changes.

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

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

29 **3-7-7.3. Class B licenses -- Restriction on entertainment.** -- (a) Notwithstanding any  
30 provision of this chapter or in the Rhode Island general laws to the contrary, in the case of any  
31 city or town which issues any retailer's Class B license this city or town may restrict or prohibit  
32 entertainment at these licensed facilities, in accordance with objective standards adopted by the  
33 municipality and approved by the department of business regulation, provided that any standard  
34 shall be applied uniformly to all of these licensed facilities.

1           **(b) The licensing board for the city of Providence is authorized to immediately suspend**  
2 **or revoke the license or exercise other remedies with respect to:**

3           **(1) Any Class B licensee that provides entertainment without an entertainment license**  
4 **issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or**

5           **(2) Any Class B licensee that engages in activities exceeding those permitted by a Class**  
6 **B license, unless such licensee has obtained any additional license permitting such activities,**  
7 **including, but not limited to, a Class N license.**

8           **3-7-8. Class C license.** -- (a) A retailer's Class C license authorizes the holder of the  
9 license to keep for sale and to sell beverages at retail at the place described in the license and to  
10 deliver those beverages for consumption on the premises where sold. No beverages shall be sold  
11 or served after twelve o'clock (12:00) midnight nor before six o'clock (6:00) a.m., except as  
12 provided in subsection (e) herein. Local license boards in the several cities and towns may fix an  
13 earlier closing time within their discretion. The license authorizes the holder to keep for sale and  
14 sell beverages, including beer in cans, at retail at the place described in the license and to deliver  
15 those beverages for consumption on the premises.

16           (b) The license authorizes the holder to sell pre-packaged foods prepared off the  
17 premises with beverages but prohibits the preparation and serving of foods cooked on the  
18 premises. The holder of the license may serve with beverages and without charge popcorn,  
19 crackers, bread, pretzels, sausage of any type, pickles, sardines, smoked herring, lupino beans,  
20 and potato chips. No food shall be cooked on the premises but pre-packaged foods prepared and  
21 cooked off the premises and purchased by the holder from a supplier may be warmed and sold on  
22 the premises in their original packaging, and all foods shall be covered in accordance with the  
23 regulations of the state department of health. The annual fee for the license is four hundred  
24 dollars (\$400) to eight hundred dollars (\$800), prorated to the year ending December 1 in every  
25 calendar year.

26           (c) The town councils of the towns of Coventry, Scituate and South Kingstown are  
27 authorized to prohibit by ordinance the issuance of Class C licenses. Upon prohibiting Class C  
28 licenses, the license board of the towns of Coventry, Scituate and South Kingstown shall issue  
29 Class B licenses to the holder of all Class C licenses in those towns. The Class B licenses may be  
30 issued to the holders of Class C licenses notwithstanding any requirements of § 3-7-7. The  
31 holders of Class C licenses shall have the full privileges of a Class B license and shall pay the  
32 annual fee provided for Class B licenses.

33           (d) Notwithstanding any prohibitions on the preparation and serving of foods cooked on  
34 the premises contained in paragraph (b) herein, the holders of Class C licenses in the city of

1 Newport are authorized to prepare and serve foods cooked on the premises. The holders of Class  
2 C licenses in the city of Newport shall be deemed to be victualling houses for purposes of § 3-8-  
3 1.

4 (e) Any holder of a Class C license may, upon the approval of the local licensing board  
5 and for the additional payment of two hundred dollars (\$200), sell or serve beverages on Fridays  
6 and Saturdays and the night before legal state holidays until one o'clock (1:00) a.m. All requests  
7 for a one o'clock (1:00) a.m. license shall be advertised, at the applicant's expense, by the local  
8 licensing board in a newspaper with a general statewide circulation or having a general  
9 circulation in the city or town where the establishment applying for the license is located.

10 (f) The licensing board for the city of Providence is authorized to immediately suspend or  
11 revoke the license or exercise other remedies with respect to:

12 (1) Any Class C licensee that provides entertainment without an entertainment license  
13 issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or

14 (2) Any Class C licensee that engages in activities exceeding those permitted by a Class  
15 C license, unless such licensee has obtained any additional license permitting such activities,  
16 including, but not limited to, a Class N license.

17 **3-7-16.6. Class N nightclub license.** -- (a) Notwithstanding any provision of this title to  
18 the contrary, any town or city council, by ordinance, may authorize the licensing authorities  
19 designated as having the right, power, and jurisdiction to issue licenses under this title pursuant to  
20 § 3-5-15 to designate and issue a special class of Class N nightclub licenses within its  
21 jurisdiction. The license authorizes the holder to keep for sale and sell beverages including beer in  
22 cans, at retail at the place described and to deliver them for consumption on the premises or place  
23 where sold. It also authorizes the charging of a cover, minimum, or door charge. The amount of  
24 the cover, or minimum, or door charge shall be posted at the entrance of the establishments in a  
25 prominent place.

26 (b) A Class N license, when so authorized, shall be required by each establishment  
27 within the jurisdiction which:

28 (1) Has as its primary source of revenue the sale of alcoholic beverages and/or cover  
29 charges;

30 (2) Holds a Class B or Class ED license;

31 (3) Has a fire department occupancy permit of no less than two hundred (200) persons  
32 and no greater than ten thousand (10,000) persons; or any establishment with a fire department  
33 occupancy permit of less than two hundred (200) persons that holds an entertainment license.

34 (c) Any establishment with a Class N license which admits patrons under twenty-one

1 (21) years of age on the premises of the establishment when alcoholic beverages are being sold,  
2 served, or permitted on the premises shall, during the time the patrons are permitted on the  
3 premises:

4 (1) Require one form of identification. The identification shall contain the bearer's  
5 photograph, and must be one of the following: state driver's license, US military identification,  
6 state issued identification card, or passport, from every person claiming to be twenty-one (21)  
7 years of age or older;

8 (2) Identify patrons over twenty-one (21) years of age with both an identifiable hand  
9 stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before  
10 purchasing an alcoholic beverage;

11 (3) Sell not more than one alcoholic beverage to an eligible patron in a single  
12 transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a  
13 bar or drink dispensing location;

14 (4) Not permit any patron who leaves the premises to be readmitted prior to closing  
15 without payment of the same admission or cover charge required of patrons entering the premises  
16 initially.

17 (d) The licensing authority of each town or city shall set the closing time for each  
18 establishment holding a Class N nightclub license within its jurisdiction pursuant to § 3-7-7(a)(1)  
19 and (a)(4), and notwithstanding other provisions of those subdivisions, an establishment holding a  
20 Class N nightclub license which is permitted to remain open until two o'clock (2:00) a.m., shall  
21 not admit patrons after one o'clock (1:00) a.m.

22 (e) The licensing authority of each town or city will establish the cost and duration of all  
23 Class N nightclub licenses issued by that authority.

24 (f) Notwithstanding the provisions of § 3-5-17, no licensing authority may issue a Class  
25 N nightclub license unless the following notice requirements have been met:

26 (1) Any establishment applying for a Class N nightclub license, or the renewal of that  
27 license, or which is the subject of a hearing relating to its Class N nightclub license, must provide  
28 the general public with notice of its application by posting a twenty-four (24) inch by thirty-six  
29 (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty  
30 (30) days prior to the hearing date before the licensing authority for the license, and at least thirty  
31 (30) days prior to hearings related to the license on appeal to the director. If any hearing is  
32 scheduled to occur in less than thirty (30) days, the applicant or Class N nightclub license holder  
33 must post this notice within three (3) business days after its receipt of notification of that hearing  
34 from the licensing authority or the director.

1 (2) The notice shall contain the name of the applicant and a description by street and  
2 number or other plain designation of the particular location for which the Class N nightclub  
3 license is requested. The notice shall state that remonstrants are entitled to be heard at the hearing  
4 on the Class N nightclub license, and shall provide the time and place of that hearing.

5 (g) Any establishment that holds a Class N nightclub license must:

6 (1) Comply with local ordinances governing noise levels;

7 (2) Cooperate with law enforcement officials;

8 (3) Provide private security for the safety of patrons both inside and outside the  
9 establishment, which private security must be certified by TIPS or a similar agency approved by  
10 the licensing authority; and

11 (4) Collect trash generated by the establishment every night that the establishment is  
12 open in an area surrounding the premises that is reasonable and prudent, given the size of the  
13 establishment.

14 (h) The licensing authority of each town or city will develop requirements for police  
15 details for the purposes of public safety and traffic control in and around the premise of each  
16 establishment holding a Class N nightclub license.

17 (i) (1) The licensing authority which has issued a license under this section may ban the  
18 admittance of persons under the age of twenty-one (21) on the licensee's premise:

19 (i) On certain nights; or

20 (ii) At certain times; or

21 (iii) At all times.

22 (2) Provided however, any ban under this subsection herein shall be supported by a  
23 finding that:

24 (i) The licensee has failed to implement measures designed to prevent underage  
25 drinking; and

26 (ii) The licensee has multiple violations of the provisions of one or more of the following  
27 sections: 3-8-1, 3-8-4 and/or 3-8-10.

28 (j) Upon the approval and designation of a district or districts within its city or town by  
29 the local licensing board, in accordance with this subsection, the local licensing board may issue  
30 to any holder of a Class N license an extended hours permit to extend closing hours on  
31 Thursdays, Fridays and Saturdays, the night before a legal state holiday or such other days as  
32 determined by the local board, for one hour past such license holder's legal closing time as  
33 established by the license holder's license or licenses including, but not limited to, those issued  
34 pursuant to subsection (d) of this section. The extended hours permit shall not permit the sale of

1 alcohol during the extended one-hour period and shall prohibit the admittance of new patrons in  
2 the establishment during the extended one-hour period. The designation of such district shall be  
3 for a duration of not less than six (6) months. Prior to designating any such district, the local  
4 licensing authority shall hold a hearing on the proposed designation. The proposed designation  
5 shall include the boundaries of the proposed district, the applicable days for the extended hours,  
6 and the duration of the designation and the conditions imposed. The proposed designation shall  
7 be advertised at least once per week for three (3) weeks prior to the hearing in a newspaper in  
8 general circulation in the city or town. The city or town will establish an application process for  
9 an extended hours permit for such license holder and may adopt rules and regulations to  
10 administer the permit.

11 **3-7-19. Objection by adjoining property owners -- Proximity to schools and**  
12 **churches.** – (a) Retailers' Class B, C, N and I licenses ~~under this chapter~~ and any license  
13 provided for in §3-7-16.8 shall not be issued to authorize the sale of beverages in any building  
14 where the owner of the greater part of the land within two hundred feet (200') of any point of the  
15 building files with the body or official having jurisdiction to grant licenses his or her objection to  
16 the granting of the license, nor in any building within two hundred feet (200') of the premises of  
17 any public, private, or parochial school or a place of public worship. In the city of East  
18 Providence, retailer's Class A licenses shall not be issued to authorize the sale of beverages in any  
19 building within five hundred feet (500') of the premises of any public, private, or parochial  
20 school, or a place of public worship.

21 (b) As used in this section, "private school" means any nonpublic institution of  
22 elementary or secondary (K-12th Grade) education, accredited or recognized as a private school  
23 by the department of elementary and secondary education or the school committee of the city or  
24 town having jurisdiction over private schools.

25 (c) This section shall not apply to any Class B or C license holder whose license was  
26 issued prior to January 1, 1978, nor shall this section apply to, or constitute the basis of, an  
27 objection to, or disapproval of, the transfer of a Class B or C license where the location of the  
28 licensed establishment predates the location of the public, private, or parochial school, or place of  
29 public worship.

30 (d) (1) Notwithstanding the provisions of this section, the board of licenses of the city of  
31 Providence shall, after application, have the authority to exempt from the provisions of this  
32 section any proposed retailer Class B, C, or I license intended to be located within the following  
33 described area(s) in the city of Providence:

34 (A) Beginning at a point, that point being the intersection of the southerly line of Smith

1 Street and the easterly taking line of Interstate Route 95;  
2 Thence running in a general southwesterly direction along the easterly taking line of  
3 Interstate Route 95 to the center line of Kingsley Avenue;  
4 Thence turning and running northwesterly in part along the southerly line of Kingsley  
5 Avenue to its intersection with the southerly line of Harris Avenue;  
6 Thence turning and running westerly along the southerly line of Harris Avenue to its  
7 intersection with the southerly line of Atwells Avenue;  
8 Thence turning and running easterly along the southerly line of Atwells Avenue to the  
9 easterly taking line of Interstate Route 95;  
10 Thence turning and running in a general southerly and southeasterly direction along the  
11 easterly taking line of Interstate Route 95 to the center line of Pine Street;  
12 Thence turning and running northeasterly along the northerly taking line of I-195 to its  
13 intersection with the northerly taking line of I-195;  
14 Thence turning and running northeasterly along the northerly taking line of I-195 to its  
15 intersection with the westerly shore line of the Providence River;  
16 Thence turning and running northerly along the westerly shore line of the Providence  
17 River to its intersection with the southerly line of Crawford Street;  
18 Thence running northwesterly across Dyer Street to the intersection of the westerly line  
19 of Dyer Street to the southerly line of Custom House Street;  
20 Thence running northerly in part along the southerly line of Dyer Street and in part along  
21 the westerly line of Market Square to its intersection with the westerly line of Canal Street;  
22 Thence turning and running northerly along the westerly line of Canal Street to its  
23 intersection with the southerly line of Smith Street;  
24 Thence turning and running westerly along the southerly line of Smith Street to the point  
25 and place of beginning.  
26 (B) Beginning at a point, that point being the intersection of the westerly line of Brook  
27 Street and the northerly line of Wickenden Street;  
28 Thence running in a general westerly direction along the northerly line of Wickenden  
29 Street to the intersection of Wickenden Street and Benefit Street;  
30 Thence running in a general northerly direction along the easterly line of Benefit Street  
31 to the intersection of Benefit Street and Sheldon Street;  
32 Thence turning and running in an easterly direction along the southerly line of Sheldon  
33 Street to the intersection of Sheldon Street and Brook Street;  
34 Thence turning and running in a general southerly line to the intersection of Brook Street

1 and Wickenden Street that being the point of beginning.

2 (2) Notwithstanding the provisions of this section, the board of licenses of the city of  
3 Newport shall, after application, have authority to exempt from the provisions of this section any  
4 proposed retailer Class B license intended to be located within the following described area in the  
5 city of Newport:

6 Beginning at a point, that point being the intersection of the southerly line of Broadway  
7 and the easterly line of Courthouse Square;

8 Thence running in a general northeasterly direction along the southerly line of Broadway  
9 a distance of one hundred and two feet (102') to a point at the southeasterly corner of land now or  
10 formerly owned by the Newport Historical Society;

11 Thence turning and running in a southeasterly direction ninety-eight and nine-tenths feet  
12 (98.9') along the southwesterly border of land now or formerly owned by the Newport Historical  
13 Society;

14 Thence turning and running in a southwesterly direction one hundred and twelve feet  
15 (112') to Courthouse Street; and

16 Thence turning and running in a generally northwesterly direction along Courthouse  
17 Street for a distance of ninety feet (90') to the point and place of beginning.

18 (3) Notwithstanding the provisions of this section, the board of licenses of the town of  
19 Warren shall, after application, have the authority to exempt from the provisions of this section  
20 any proposed retailer Class B, C, or I license intended to be located within any zoning district in  
21 the town of Warren which is designated as a limited business district or as a general business  
22 district pursuant to the zoning ordinance of the town of Warren.

23 (4) Notwithstanding the provisions of this section, the board of licenses of the town of  
24 Bristol shall, after application, have the authority to exempt from the provisions of this section  
25 any proposed retailer Class B license intended to be located on lot 34 of tax assessors plat 10 of  
26 the Bristol tax assessors map as of December 31, 1999, including that portion of the public  
27 sidewalk contiguous to said lot.

28 (5) Notwithstanding the provisions of this section, the board of licenses for the city of  
29 Newport shall, after application, have the authority to exempt from the provisions of this section  
30 as to places of public worship any proposed sidewalk cafe as defined in the Codified Ordinance  
31 of the city of Newport, provided that the applicant be an existing holder of a Retailers' Class B  
32 license.

33 (6) Notwithstanding the provisions of this section, the board of licenses of the city of  
34 Providence shall, after application, have the authority to exempt from the provisions of this

1 section any proposed retailer Class B license intended to be located on lot 131 of tax assessors  
2 plat 68 of the Providence tax assessors map as of December 31, 1999 and any proposed retailer  
3 Class B license intended to be located on lot 21 of the tax assessors map plat 49 and any proposed  
4 retailer class BV license intended to be located on lots 3 and 5 of tax assessors map plat 35 of the  
5 Providence tax assessors map as of December 31, 2003.

6 (7) Notwithstanding the provisions of this section, the board of licenses of the city of  
7 Cranston shall, after application, have the authority to exempt from the provisions of this section  
8 any proposed retailer Class B license intended to be located on either lot 160 of tax assessor's plat  
9 9, and/or on lot 152 of tax assessor's plat 9, of the Cranston tax assessor's map as of December 31,  
10 2002; provided, however, as to the subsequent transfer of said Class B license issued by the city  
11 of Cranston under this exemption, whether said transfer is attributable to the holder's death or  
12 otherwise, any person desiring to become the potential transferee of said Class B license shall  
13 comply with those restrictions as to its use (and shall refrain from those activities which result in  
14 its reversion) set forth in the city of Cranston Memorandum of Understanding dated May 13,  
15 2003 and, in addition, those requirements applicable to anyone who desires to become a  
16 transferee of a validly issued and outstanding Class B license designated for use in any location in  
17 the state of Rhode Island. Neither the exemption granted herein nor any future exemption granted  
18 hereafter shall be effective until the proposed Class B license and the underlying property owner  
19 is certified to be current in the payment of any and all local and state taxes.

20 (8) Notwithstanding the provisions of this section, the board of licenses of the city of  
21 Pawtucket shall, after application, have the authority to exempt from the provisions of this section  
22 any proposed retailer Class B, C, or I license intended to be located within the following  
23 described area in the city of Pawtucket:

24 Beginning at the point of intersection of Dexter Street and the Central Falls line, then  
25 east along the Central Falls line to the Blackstone River, then north along the city boundary on  
26 the Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to  
27 I-95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way,  
28 then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to  
29 the Central Falls line.

30 (9) Notwithstanding the provisions of this section the town council of the town of Little  
31 Compton, after application, is authorized to exempt from the provisions of this section relating to  
32 places of worship any class B license limited to malt and vinous beverages intended to be located  
33 on Plat 30, Lot 33 of the town of Little Compton tax assessment map existing as of December 31,  
34 2004.

1 (10) Notwithstanding the provisions of this section, the board of licenses of the town of  
2 Bristol shall, after application, have the authority to exempt from the provisions of this section  
3 any proposed retailers' Class B license intended to be located on lots 3, 18, and 19 of tax  
4 assessors plat 10 of the Bristol tax assessors map as of December 31, 2007.

5 (11) Notwithstanding the provisions of this section the town council of the town of  
6 Smithfield, after application, is authorized to exempt from the provisions of this section, any class  
7 B, C, or I license intended to be located on Plat 45, Lot 042 of the town of Smithfield, tax  
8 assessment map existing as of December 31, 2007; provided, however, said exemption shall  
9 apply only to any renewal of any class B, C, or I license issued for use at the said premises  
10 located on plat-45, lot 042 as of December 31, 2011. In the event said license is not renewed, then  
11 this exemption is hereby repealed in its entirety.

12 (12) Notwithstanding the provisions of this section, the board of licenses of the city of  
13 Providence shall, after application, have the authority to exempt from the provisions of this  
14 section any proposed retailer Class B license intended to be located on plat 13, lots 31 and 32 of  
15 the applicable city of Providence tax assessment map.

16 (13) Notwithstanding the provisions of this section, the board of licenses of the town of  
17 Tiverton shall, after the application, have the authority to exempt from the provisions of this  
18 section a proposed retailer's Class BV license for a restaurant located on tax assessor's plat 181,  
19 lot 1A.

20 (14) Notwithstanding the provisions of this section, the board of licenses of the city of  
21 Providence shall, after application, have the authority to exempt from the provisions of this  
22 section any proposed retailer's Class B license intended to be located on tax assessor's plat 68, lot  
23 732.

24 (15) Notwithstanding the provisions of this section, the board of licenses in the city of  
25 Providence shall, after application, have the authority to exempt from the provisions of this  
26 section any proposed retailer's Class B license intended to be located on plat 105, lot 489, plat  
27 105, lot 12 and plat 32, lot 232 of the applicable city of Providence tax assessment map.

28 (16) Notwithstanding the provisions of this section the city council of the city of Central  
29 Falls, shall, after application, have the authority to exempt from the provisions of this section any  
30 proposed retailer's Class B license intended to be located on plat 5, lot 188 of the applicable city  
31 of Central Falls tax assessment map.

32 (17) Notwithstanding the provisions of this section, the board of licenses of the town of  
33 Portsmouth shall, after application, have the authority to exempt from the provisions of this  
34 section any proposed retailer's Class B license intended to be located on plat 37, lot 69 of the

1 applicable town of Portsmouth tax assessment map.

2 (18) Notwithstanding the provisions of this section, the board of licenses of the town of  
3 North Providence shall, after application, have the authority to exempt from the provisions of this  
4 section any proposed retailer's Class B license intended to be located on plat 23A, lot 98 of the  
5 applicable town of North Providence tax assessment map.

6 (19) Notwithstanding the provisions of this section, the board of licenses of the city of  
7 Cranston shall, after application, have the authority to exempt from the provisions of this section  
8 any proposed retailer's Class B license intended to be located on Plat 11, lot 3558 of the  
9 applicable city of Cranston tax assessment map.

10 (20) Notwithstanding the provisions of this section, the town council of the town of  
11 Smithfield, after application, is authorized to exempt from the provisions of this section, any  
12 Class B or C license intended to be located on Plat 6, Lot 54 of the town of Smithfield tax  
13 assessors map as of December 31, 2012.

14 (21) Notwithstanding the provisions of this section, the board of licenses of the city of  
15 Cranston shall, after application, have the authority to exempt from the provisions of this section  
16 any proposed retailers class B license intended to be located on tax assessors plat 1, lot 2170 of  
17 the applicable city of Cranston tax assessment map as of December 31, 2012.

18 (22) Notwithstanding the provisions of this section, the board of licenses in the city of  
19 Providence shall, after application, have the authority to exempt from the provisions of this  
20 section any proposed retailer's Class B license intended to be located on tax assessor's plat 43, lot  
21 211.

22 (23) Notwithstanding the provisions of this section, the board of licenses of the town of  
23 North Providence shall, after application, have the authority to exempt from the provisions of this  
24 section any proposed retailer's Class B license intended to be located on Plat 22A, Lot 336, of the  
25 applicable town of North Providence tax assessment map.

26 (24) Notwithstanding the provisions of this section, the city council of the city of Central  
27 Falls shall, after application, have the authority to exempt from the provisions of this section any  
28 proposed retailer's Class B license intended to be located on plat 1, lot 164 of the applicable city  
29 of Central Falls tax assessment map.

30 (25) Notwithstanding the provisions of this section, the board of licenses in the city of  
31 Providence shall, after application, have the authority to exempt from the provisions of this  
32 section any proposed retailer's Class B license intended to be located at 1948-1950 Westminster  
33 Street on plat 35, lot 359 of the applicable city of Providence tax assessment map.

34 (26) Notwithstanding the provisions of this section, the town council of the town of

1 Middletown, after application, is authorized to exempt from the provisions of this section, any  
2 proposed retailer's Class BV license intended to be located on Plat 107 NW, Lot 55 of the town of  
3 Middletown's tax assessor's maps as of December 31, 2014.

4 SECTION 4. Chapter 3-7 of the General Laws entitled "Retail Licenses" is hereby  
5 amended by adding thereto the following sections:

6 3-7-16.8. Additional licenses -- City of Providence. -- In addition to the licenses  
7 provided for in this chapter, the board of licenses of the city of Providence is authorized to  
8 establish and issue licenses as enumerated in this section. Before granting a license to any person  
9 under the provisions of this section, the board of licenses of the city of Providence shall give  
10 notice by advertisement published once a week for at least two (2) weeks in a newspaper of  
11 general circulation published in the city of Providence. The advertisement shall contain the name  
12 of the applicant and a description by street and number or other plain designation of the particular  
13 location for which the license is requested. Notice of the application shall also be given, by mail,  
14 to all owners of property within two hundred feet (200') of the place of business seeking the  
15 application. The cost of the application shall be borne by the applicant. The notices shall state that  
16 remonstrants are entitled to be heard before the granting of the license, and shall name the time  
17 and place of the hearing. At the time and place, the remonstrators shall be granted a full  
18 opportunity to make their objections before the licensing board acts upon the application.

19 (1) Class S license - Supper club - Food and Nightclub. -

20 (i) A retailer's Class S license is issued only to a licensed bona fide tavern keeper or  
21 victualer whose tavern or victualing house may be open for business and regularly patronized at  
22 least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or  
23 served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. The licensing board may  
24 fix an earlier closing time, at its discretion. The annual license fee for a Class S license shall be  
25 four hundred dollars (\$400) to two thousand five hundred dollars (\$2,500).

26 (ii) The license authorizes the holder to keep for sale and sell beverages including beer in  
27 cans, at retail at the place described and to deliver them for consumption on the premises or place  
28 where sold, but only at tables or a lunch bar where food is served. It also authorizes the charging  
29 of a cover, minimum, or door charge. The amount of the cover, or minimum, or door charge is  
30 posted at the entrance of the establishments in a prominent place.

31 (iii) Any holder of a Class S license may file an application with the licensing board to  
32 open for business and serve or sell beverages until two o'clock (2:00) a.m. on Fridays and  
33 Saturdays and the night before legal state holidays. The fee for such application shall be between  
34 two hundred dollars (\$200) and one thousand dollars (\$1,000). All requests for a two o'clock

1 (2:00) a.m. license shall be advertised by the board of licenses in a newspaper of general  
2 circulation published in the city of Providence.

3 (iv) Subject to the provisions of the Providence zoning ordinance, a holder of a retailer's  
4 Class S license is allowed to erect signs advertising their business and products sold on the  
5 premises, including neon signs, and is allowed to light those signs during all lawful business  
6 hours, including Sundays and holidays.

7 (v) The holder of a Class S license may convert their establishment from a supper club to  
8 a nightclub between designated hours, upon approval by the board of licenses at the time of the  
9 original application. The applicant shall provide to the board the designated hours it will operate  
10 as a nightclub, and all other information as required by the board of licenses for approval of a  
11 Class N license. Upon approval of such application, the licensee shall adhere to all conditions  
12 required for a Class N license holder. Provided a Class S license holder has applied for and been  
13 approved for this additional nightclub format and a violation subsequently occurs, the board may  
14 choose to impose a penalty on the supper club operation or the nightclub operation, or both, as  
15 determined by the format in operation at the time of the violation.

16 (2) Class SB license - Smoking Bar -

17 (i) A retailer's Class SB license authorizes the holder of the license to keep for sale and to  
18 sell beverages at retail at the place described in the license. No beverages shall be sold or served  
19 after one o'clock (1:00) a.m. nor before six o'clock (6:00) a.m., except as provided in subsection  
20 (4) of this section. The board of licenses may fix an earlier closing time at its discretion. The  
21 license authorizes the holder to keep for sale and sell beverages, including beer in cans, at retail at  
22 the place described in the license. The annual fee for the license shall be the same as for the Class  
23 B license, prorated to the year ending December 1 in every calendar year. The annual license fee  
24 for a Class SB license shall be four hundred dollars (\$400) to two thousand five hundred dollars  
25 (\$2,500).

26 (ii) All applicants for a Class SB license must have as its primary business purpose the  
27 sale of tobacco for consumption on the premises. Under this section, tobacco products shall mean  
28 any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe  
29 tobacco, snuff, chewing tobacco, dipping tobacco, orbs, sticks, dissolvable tobacco products, and  
30 electronic cigarette cartridges and any electronic smoking devices derived from tobacco,  
31 including nicotine; provided, however, that tobacco products shall not include any product that  
32 has been approved by the United States Food and Drug Administration for use as a medical  
33 treatment to reduce and eliminate nicotine or tobacco dependence.

34 (iii) Smoking bars may sell food prepared on or off the premises.

1           (iv) Smoking bars shall allow only consumption of food and beverages sold by the  
2 licensee on the premises, and shall not permit occupants to bring food and beverages to the  
3 premises for consumption.

4           (v) Effective July 1, 2016, all establishments holding, or required to hold, an SB license,  
5 whether existing or to be established, must demonstrate to the licensing board, by a  
6 preponderance of the evidence, that annual revenues generated by tobacco sales are greater than  
7 fifty percent (50%) of the total gross revenue for the establishment, and that the serving of food,  
8 alcohol, or beverages is only incidental to the consumption of such tobacco products. Such  
9 evidence must be provided to the licensing board:

10           (A) Upon the filing of any application for a Class SB license, including that provided for  
11 in subsection (2)(vii) of this section; and

12           (B) Quarterly for a period of one year, and annually thereafter; and

13           (C) At any other time upon the licensing board's request.

14           (vi) Every owner of a smoking bar shall register no later than January 1 of each year with  
15 the division of taxation and shall provide, at a minimum, the owner's name and address, any agent  
16 for service of process, and the name and address of the smoking bar.

17           (vii) Any holder of a Class SB license may file an application with the licensing board to  
18 sell or serve beverages on Fridays and Saturdays and the night before legal state holidays until  
19 two o'clock (2:00) a.m. The fee for such application shall be two hundred dollars (\$200).

20           (viii) Any smoking bar, as defined herein, is required to provide proper ventilation and  
21 smoke filtration system(s) that will prevent the migration of smoke into the street, or any other  
22 parts of the inhabited building, in accordance with chapter 20.10 of title 23.

23           (ix) The licensing board is authorized to immediately suspend or revoke the license or  
24 exercise other remedies with respect to:

25           (A) Any Class SB licensee that provides entertainment without an entertainment license  
26 issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or

27           (B) Any Class SB licensee that engages in activities exceeding those permitted by a Class  
28 SB license, unless such licensee has obtained any additional license permitting such activities,  
29 including, but not limited to, a Class N license.

30           **3-7-16.8.1. Class SB licenses - Smoking.** -- Upon the licensing board's establishment of  
31 a Class SB license, smoking shall be prohibited in all licensed premises not holding a Class SB  
32 license, including, but not limited to, premises governed by Class B, C, I, N, NB, and S licenses.

33           SECTION 5. Chapter 5-22 of the General Laws entitled "Shows and Exhibitions" is  
34 hereby amended by adding thereto the following section:

1           **5-22-1.1. Live entertainment -- City of Providence.** -- The board of licenses for the city  
2 of Providence is authorized to license, regulate or prohibit "live entertainment" in the city of  
3 Providence including, but not limited to, live performances of music or sound by individuals,  
4 bands, musicians, disc jockeys, dancing, or karaoke, with or without charge, provided that  
5 "incidental entertainment" be permitted as of right, and no license shall be required. "Incidental  
6 entertainment" means background music provided at a restaurant, bar, nightclub, supper club or  
7 similar establishment, limited to the following format:

8           (1) Live music performance limited to no more than a maximum of three (3) acoustic  
9 instruments which shall not be amplified by any means, electronic or otherwise; or

10           (2) Prerecorded music or streamed music played over a permanently installed sound  
11 system. If a bar or restaurant includes incidental entertainment, it cannot charge a cover charge,  
12 shall not allow dancing by patrons of the establishment, cannot employ flashing, laser or strobe  
13 lights, and the maximum volume, irrespective of the format, is limited solely to the boundaries of  
14 the premises at all times, and shall permit audible conversation among patrons of the  
15 establishment.

16           SECTION 6. This act shall take effect upon passage.

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LC005399  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- LIQUOR CONTROL ADMINISTRATION

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- 1           This act would clarify Class B, C and N liquor licenses to authorize the board of licenses  
2 for the city of Providence to take action with respect to licensed entities providing entertainment  
3 without a proper license; and would also establish new Class S (Supper Club) and Class SB  
4 (Smoking Bar) licenses. This act would also require licensees to cooperate with local licensing  
5 boards and law enforcement investigating potential violations, and permit licensing boards to  
6 suspend or revoke a license for misrepresentations and failure to cooperate with an investigation.  
7 This act would further authorize the city of Providence to regulate live entertainment.  
8           This act would take effect upon passage.

LC005399

2016 -- S 2702

LC005190

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY  
JANUARY SESSION, A.D. 2016

AN ACT

RELATING TO ALCOHOLIC BEVERAGES

Introduced By: Senators Goodwin, Ruggerio, Metts, and Goldin

Date Introduced: March 08, 2016

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-2-2 of the General Laws in Chapter 3-2 entitled "Liquor Control  
2 Administration" is hereby amended to read as follows:

3 3-2-2. Supervision. -- (a) The department has general supervision of the conduct of the  
4 business of manufacturing, importing, exporting, storing, transporting, keeping for sale, and  
5 selling beverages.

6 (b) The department may lease a warehouse for the purpose of efficiently exercising its  
7 powers and duties of inspection and may upon reasonable charges store beverages for license  
8 holders in the warehouse. No lease shall be for a longer period than five (5) years and every lease  
9 shall contain the provision that if it becomes unlawful to manufacture, keep for sale, and to sell  
10 beverages in this state it shall become void.

11 (c) The department has the power at any time to issue, renew, revoke and cancel all  
12 manufacturers', wholesalers' and retailers' Class G licenses and permits as are provided for by this  
13 title.

14 (d) The department shall supervise and inspect all licensed places to enforce the  
15 provisions of this title and the conditions, rules and regulations which the department establishes  
16 and authorizes.

17 (e) Nothing contained in the chapter shall be deemed to supersede the authority vested in  
18 cities and towns pursuant to chapters 22, 23 and 24 of title 5.

19 SECTION 2. Section 3-5-21 of the General Laws in Chapter 3-5 entitled "Licenses

1 Generally" is hereby amended to read as follows:

2 ~~3-5-21. Revocation or suspension of licenses — Fines for violating conditions of~~  
3 ~~license~~ **Revocation or suspension of licenses — Fines and penalties for violating conditions of**

4 **license.** -- (a) ~~Every license is subject to revocation or suspension and a licensee is subject to fine~~  
5 ~~by the board, body or official issuing the license, or by the department or by the division of~~  
6 ~~taxation, on its own motion, for breach by the holder of the license of the conditions on which it~~  
7 ~~was issued or for violation by the holder of the license of any rule or regulation applicable, or for~~  
8 ~~breach of any provisions of this section. Every licensee, and any agents or employees of the~~  
9 ~~licensee, shall have an affirmative duty to cooperate with local boards and law enforcement~~  
10 ~~investigating any potential licensing violation at the licensee's establishment, including, but not~~  
11 ~~limited to, providing any video recordings of the premises, answering the questions of the local~~  
12 ~~boards and law enforcement, and providing immediate and full access to the licensee's premises.~~  
13 ~~Any failure of a licensee, its agents or employees, to comply with this provision shall constitute~~  
14 ~~an independent basis for revocation or suspension of the license.~~

15 (b) ~~Every license is subject to revocation or suspension and a licensee is subject to a fine~~  
16 ~~by the board, body or official issuing the license, or by the department or by the division of~~  
17 ~~taxation, on their own motion, for:~~

18 (1) ~~Any breach by the holder of the license of the conditions on which it was issued; or~~

19 (2) ~~Any violation by the holder of the license of any rule or regulation applicable to the~~  
20 ~~licensee; or~~

21 (3) ~~Any fraudulent act or "material misrepresentation" made by an applicant for a license~~  
22 ~~or a licensee, including, but not limited to, any misrepresentation concerning the format of the~~  
23 ~~establishment, and/or any other information on which the licensing board reasonably relies in~~  
24 ~~rendering any decision concerning a license, licensee or establishment; or~~

25 (4) ~~Failure to cooperate with local boards and law enforcement as required by subsection~~  
26 ~~(a) of this section; or~~

27 (5) ~~For breach of any provisions of this chapter; or~~

28 (6) ~~For operating in any manner inconsistent with the license, or in any manner consistent~~  
29 ~~with another class license without first coming before the board for a new license application.~~

30 ~~(b)(c)~~ Any fine imposed pursuant to this section shall not exceed five hundred dollars  
31 (\$500) for the first offense and shall not exceed one thousand dollars (\$1,000) for each  
32 subsequent offense. For the purposes of this section, any offense committed by a licensee three  
33 (3) years after a previous offense shall be considered a first offense.

34 ~~(e)(d)~~ In the event that a licensee is required to hire a police detail and the police refuse

1 to place a detail at the location because a licensee has failed to pay outstanding police detail bills  
2 or to reach a payment plan agreement with the police department, the license board may prohibit  
3 the licensee from opening its place of business until such time as the police detail bills are paid or  
4 a payment plan agreement is reached.

5 (e) Upon any violation by a licensee under §3-5-21(b), the local licensing board, at its  
6 sole discretion, may impose a limitation on the hours of operation of the licensee, regardless of  
7 the license type, and notwithstanding any prior approval of an application for a later closing time.

8 SECTION 3. Sections 3-7-7, 3-7-7.3, 3-7-8, 3-7-16.6 and 3-7-19 of the General Laws in  
9 Chapter 3-7 entitled "Retail Licenses" are hereby amended to read as follows:

10 3-7-7. Class B license Class B license -- Food prepared on premises. -- (a) (1) A  
11 retailer's Class B license is issued only to a licensed bona fide tavern keeper or victualer whose  
12 tavern or victualing house may be open for business and regularly patronized at least from nine  
13 o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or served after one  
14 o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. Local licensing boards may fix an earlier  
15 closing time within their jurisdiction, at their discretion. The East Greenwich town council may,  
16 in its discretion, issue full and limited Class B licenses which may not be transferred, but which  
17 shall revert to the town of East Greenwich if not renewed by the holder. The Cumberland town  
18 council may, in its discretion, issue full and limited Class B licenses which may not be transferred  
19 to another person or entity, or to another location, but which shall revert to the town of  
20 Cumberland if not renewed by the holder.

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

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

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

33 (4) Any holder of a Class B license may, upon the approval of the local licensing board  
34 and for the additional payment of two hundred dollars (\$200) to five hundred dollars (\$500), open

1 for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before  
2 legal state holidays may close at two o'clock (2:00) a.m. All requests for a two o'clock (2:00) a.m.  
3 license shall be advertised by the local licensing board in a newspaper having a circulation in the  
4 county where the establishment applying for the license is located.

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

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

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

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

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

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

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

29 (vi) The municipal licensing authority may, in its sole discretion, require the presence of  
30 a police detail, for some or all of the event, and the number of officers required, if any, shall be  
31 determined by the municipality as part of the process of issuing the Lock-In Event permit. The  
32 licensee shall be solely responsible for the cost of any such required police detail.

33 (7) Any holder of a Class B license must serve food for the entire time they are serving  
34 alcohol. At certain times the licensee may choose to serve a limited menu; however, in no event

1 shall any limited menu include less than fifty percent (50%) of the menu items available on the  
2 full menu. In the city of Providence, a Class B license holder must provide the board of licenses a  
3 copy of both the full menu and the limited menu upon application, as well as at any time in which  
4 either menu changes.

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

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

33 **3-7-7.3. Class B licenses -- Restriction on entertainment.** -- (a) Notwithstanding any  
34 provision of this chapter or in the Rhode Island general laws to the contrary, in the case of any

1 city or town which issues any retailer's Class B license this city or town may restrict or prohibit  
2 entertainment at these licensed facilities, in accordance with objective standards adopted by the  
3 municipality and approved by the department of business regulation, provided that any standard  
4 shall be applied uniformly to all of these licensed facilities.

5 (b) The licensing board for the city of Providence is authorized to immediately suspend,  
6 revoke or exercise other remedies with respect to:

7 (1) Any Class B licensee that provides entertainment without an entertainment license  
8 issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or

9 (2) Any Class B licensee that engages in activities exceeding those permitted by a Class  
10 B license, unless such licensee has obtained any additional license permitting such activities,  
11 including, but not limited to, a Class N license.

12 **3-7-8. Class C license.** -- (a) A retailer's Class C license authorizes the holder of the  
13 license to keep for sale and to sell beverages at retail at the place described in the license and to  
14 deliver those beverages for consumption on the premises where sold. No beverages shall be sold  
15 or served after twelve o'clock (12:00) midnight nor before six o'clock (6:00) a.m., except as  
16 provided in subsection (e) herein. Local license boards in the several cities and towns may fix an  
17 earlier closing time within their discretion. The license authorizes the holder to keep for sale and  
18 sell beverages, including beer in cans, at retail at the place described in the license and to deliver  
19 those beverages for consumption on the premises.

20 (b) The license authorizes the holder to sell pre-packaged foods prepared off the  
21 premises with beverages but prohibits the preparation and serving of foods cooked on the  
22 premises. The holder of the license may serve with beverages and without charge popcorn,  
23 crackers, bread, pretzels, sausage of any type, pickles, sardines, smoked herring, lupino beans,  
24 and potato chips. No food shall be cooked on the premises but pre-packaged foods prepared and  
25 cooked off the premises and purchased by the holder from a supplier may be warmed and sold on  
26 the premises in their original packaging, and all foods shall be covered in accordance with the  
27 regulations of the state department of health. The annual fee for the license is four hundred  
28 dollars (\$400) to eight hundred dollars (\$800), prorated to the year ending December 1 in every  
29 calendar year.

30 (c) The town councils of the towns of Coventry, Scituate and South Kingstown are  
31 authorized to prohibit by ordinance the issuance of Class C licenses. Upon prohibiting Class C  
32 licenses, the license board of the towns of Coventry, Scituate and South Kingstown shall issue  
33 Class B licenses to the holder of all Class C licenses in those towns. The Class B licenses may be  
34 issued to the holders of Class C licenses notwithstanding any requirements of § 3-7-7. The

1 holders of Class C licenses shall have the full privileges of a Class B license and shall pay the  
2 annual fee provided for Class B licenses.

3 (d) Notwithstanding any prohibitions on the preparation and serving of foods cooked on  
4 the premises contained in paragraph (b) herein, the holders of Class C licenses in the city of  
5 Newport are authorized to prepare and serve foods cooked on the premises. The holders of Class  
6 C licenses in the city of Newport shall be deemed to be victualling houses for purposes of § 3-8-  
7 1.

8 (e) Any holder of a Class C license may, upon the approval of the local licensing board  
9 and for the additional payment of two hundred dollars (\$200), sell or serve beverages on Fridays  
10 and Saturdays and the night before legal state holidays until one o'clock (1:00) a.m. All requests  
11 for a one o'clock (1:00) a.m. license shall be advertised, at the applicant's expense, by the local  
12 licensing board in a newspaper with a general statewide circulation or having a general  
13 circulation in the city or town where the establishment applying for the license is located.

14 (f) The licensing board for the city of Providence is authorized to immediately suspend,  
15 revoke or exercise other remedies with respect to:

16 (1) Any Class C licensee that provides entertainment without an entertainment license  
17 issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or

18 (2) Any Class C licensee that engages in activities exceeding those permitted by a Class  
19 C license, unless such licensee has obtained any additional license permitting such activities,  
20 including, but not limited to, a Class N license.

21 **3-7-16.6. Class N nightclub license.** -- (a) Notwithstanding any provision of this title to  
22 the contrary, any town or city council, by ordinance, may authorize the licensing authorities  
23 designated as having the right, power, and jurisdiction to issue licenses under this title pursuant to  
24 § 3-5-15 to designate and issue a special class of Class N nightclub licenses within its  
25 jurisdiction. The license authorizes the holder to keep for sale and sell beverages including beer in  
26 cans, at retail at the place described and to deliver them for consumption on the premises or place  
27 where sold. It also authorizes the charging of a cover, minimum, or door charge. The amount of  
28 the cover, or minimum, or door charge is posted at the entrance of the establishments in a  
29 prominent place.

30 (b) A Class N license, when so authorized, shall be required by each establishment  
31 within the jurisdiction which:

32 (1) Has as its primary source of revenue the sale of alcoholic beverages and/or cover  
33 charges;

34 (2) Holds a Class B or Class ED license;

1           (3) Has a fire department occupancy permit of no less than two hundred (200) persons  
2 and no greater than ten thousand (10,000) persons; or any establishment with a fire department  
3 occupancy permit of less than two hundred (200) persons that holds an entertainment license.

4           (c) Any establishment with a Class N license which admits patrons under twenty-one  
5 (21) years of age on the premises of the establishment when alcoholic beverages are being sold,  
6 served, or permitted on the premises shall, during the time the patrons are permitted on the  
7 premises:

8           (1) Require one form of identification. The identification shall contain the bearer's  
9 photograph, and must be one of the following: state driver's license, US military identification,  
10 state issued identification card, or passport, from every person claiming to be twenty-one (21)  
11 years of age or older;

12           (2) Identify patrons over twenty-one (21) years of age with both an identifiable hand  
13 stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before  
14 purchasing an alcoholic beverage;

15           (3) Sell not more than one alcoholic beverage to an eligible patron in a single  
16 transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a  
17 bar or drink dispensing location;

18           (4) Not permit any patron who leaves the premises to be readmitted prior to closing  
19 without payment of the same admission or cover charge required of patrons entering the premises  
20 initially.

21           (d) The licensing authority of each town or city shall set the closing time for each  
22 establishment holding a Class N nightclub license within its jurisdiction pursuant to § 3-7-7(a)(1)  
23 and (a)(4), and notwithstanding other provisions of those subdivisions, an establishment holding a  
24 Class N nightclub license which is permitted to remain open until two o'clock (2:00) a.m., shall  
25 not admit patrons after one o'clock (1:00) a.m.

26           (e) The licensing authority of each town or city will establish the cost and duration of all  
27 Class N nightclub licenses issued by that authority.

28           (f) Notwithstanding the provisions of § 3-5-17, no licensing authority may issue a Class  
29 N nightclub license unless the following notice requirements have been met:

30           (1) Any establishment applying for a Class N nightclub license, or the renewal of that  
31 license, or which is the subject of a hearing relating to its Class N nightclub license, must provide  
32 the general public with notice of its application by posting a twenty-four (24) inch by thirty-six  
33 (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty  
34 (30) days prior to the hearing date before the licensing authority for the license, and at least thirty

1 (30) days prior to hearings related to the license on appeal to the director. If any hearing is  
2 scheduled to occur in less than thirty (30) days, the applicant or Class N nightclub license holder  
3 must post this notice within three (3) business days after its receipt of notification of that hearing  
4 from the licensing authority or the director.

5 (2) The notice shall contain the name of the applicant and a description by street and  
6 number or other plain designation of the particular location for which the Class N nightclub  
7 license is requested. The notice shall state that remonstrants are entitled to be heard at the hearing  
8 on the Class N nightclub license, and shall provide the time and place of that hearing.

9 (g) Any establishment that holds a Class N nightclub license must:

10 (1) Comply with local ordinances governing noise levels;

11 (2) Cooperate with law enforcement officials;

12 (3) Provide private security for the safety of patrons both inside and outside the  
13 establishment, which private security must be certified by TIPS or a similar agency approved by  
14 the licensing authority; and

15 (4) Collect trash generated by the establishment every night that the establishment is  
16 open in an area surrounding the premises that is reasonable and prudent, given the size of the  
17 establishment.

18 (h) The licensing authority of each town or city will develop requirements for police  
19 details for the purposes of public safety and traffic control in and around the premise of each  
20 establishment holding a Class N nightclub license.

21 (i) (1) The licensing authority which has issued a license under this section may ban the  
22 admittance of persons under the age of twenty-one (21) on the licensee's premise:

23 (i) On certain nights; or

24 (ii) At certain times; or

25 (iii) At all times.

26 (2) Provided however, any ban under this subsection herein shall be supported by a  
27 finding that:

28 (i) The licensee has failed to implement measures designed to prevent underage  
29 drinking; and

30 (ii) The licensee has multiple violations of the provisions of one or more of the following  
31 sections: 3-8-1, 3-8-4 and/or 3-8-10.

32 (j) Upon the approval and designation of a district or districts within its city or town by  
33 the local licensing board, the local licensing board may issue to any holder of a Class N license an  
34 extended hours permit to extend closing hours on Thursdays, Fridays and Saturdays, the night

1 before a legal state holiday or such other days as determined by the local board, for one hour past  
2 such license holder's legal closing time as established by the license holder's license or licenses  
3 including, but not limited to, those issued pursuant to subsection (d) of this section. The extended  
4 hours permit shall not permit the sale of alcohol during the extended one-hour period and shall  
5 prohibit the admittance of new patrons in the establishment during the extended one-hour period.  
6 The designation of such district shall be for a duration of not less than six (6) months. Prior to  
7 designating any such district, the local licensing authority shall hold a hearing on the proposed  
8 designation. The proposed designation shall include the boundaries of the proposed district, the  
9 applicable days for the extended hours, and the duration of the designation and the conditions  
10 imposed. The proposed designation shall be advertised at least once per week for three (3) weeks  
11 prior to the hearing in a newspaper in general circulation in the city or town. The city or town will  
12 establish an application process for an extended hours permit for such license holder and may  
13 adopt rules and regulations to administer the permit.

14 **3-7-19. Objection by adjoining property owners -- Proximity to schools and**

15 **churches.** -- (a) Retailers' Class B, C, N and I licenses, and any licenses provided for in §3-7-16.8  
16 of under this chapter shall not be issued to authorize the sale of beverages in any building where  
17 the owner of the greater part of the land within two hundred feet (200') of any point of the  
18 building files with the body or official having jurisdiction to grant licenses his or her objection to  
19 the granting of the license, nor in any building within two hundred feet (200') of the premises of  
20 any public, private, or parochial school or a place of public worship. In the city of East  
21 Providence, retailer's Class A licenses shall not be issued to authorize the sale of beverages in any  
22 building within five hundred feet (500') of the premises of any public, private, or parochial  
23 school, or a place of public worship.

24 (b) As used in this section, "private school" means any nonpublic institution of  
25 elementary or secondary (K-12th Grade) education, accredited or recognized as a private school  
26 by the department of elementary and secondary education or the school committee of the city or  
27 town having jurisdiction over private schools.

28 (c) This section shall not apply to any Class B or C license holder whose license was  
29 issued prior to January 1, 1978, nor shall this section apply to, or constitute the basis of, an  
30 objection to, or disapproval of, the transfer of a Class B or C license where the location of the  
31 licensed establishment predates the location of the public, private, or parochial school, or place of  
32 public worship.

33 (d) (1) Notwithstanding the provisions of this section, the board of licenses of the city of  
34 Providence shall, after application, have the authority to exempt from the provisions of this

1 section any proposed retailer Class B, C, or I license intended to be located within the following  
2 described area(s) in the city of Providence:

3 (A) Beginning at a point, that point being the intersection of the southerly line of Smith  
4 Street and the easterly taking line of Interstate Route 95;

5 Thence running in a general southwesterly direction along the easterly taking line of  
6 Interstate Route 95 to the center line of Kingsley Avenue;

7 Thence turning and running northwesterly in part along the southerly line of Kingsley  
8 Avenue to its intersection with the southerly line of Harris Avenue;

9 Thence turning and running westerly along the southerly line of Harris Avenue to its  
10 intersection with the southerly line of Atwells Avenue;

11 Thence turning and running easterly along the southerly line of Atwells Avenue to the  
12 easterly taking line of Interstate Route 95;

13 Thence turning and running in a general southerly and southeasterly direction along the  
14 easterly taking line of Interstate Route 95 to the center line of Pine Street;

15 Thence turning and running northeasterly along the northerly taking line of I-195 to its  
16 intersection with the northerly taking line of I-195;

17 Thence turning and running northeasterly along the northerly taking line of I-195 to its  
18 intersection with the westerly shore line of the Providence River;

19 Thence turning and running northerly along the westerly shore line of the Providence  
20 River to its intersection with the southerly line of Crawford Street;

21 Thence running northwesterly across Dyer Street to the intersection of the westerly line  
22 of Dyer Street to the southerly line of Custom House Street;

23 Thence running northerly in part along the southerly line of Dyer Street and in part along  
24 the westerly line of Market Square to its intersection with the westerly line of Canal Street;

25 Thence turning and running northerly along the westerly line of Canal Street to its  
26 intersection with the southerly line of Smith Street;

27 Thence turning and running westerly along the southerly line of Smith Street to the point  
28 and place of beginning.

29 (B) Beginning at a point, that point being the intersection of the westerly line of Brook  
30 Street and the northerly line of Wickenden Street;

31 Thence running in a general westerly direction along the northerly line of Wickenden  
32 Street to the intersection of Wickenden Street and Benefit Street;

33 Thence running in a general northerly direction along the easterly line of Benefit Street  
34 to the intersection of Benefit Street and Sheldon Street;

1           Thence turning and running in an easterly direction along the southerly line of Sheldon  
2 Street to the intersection of Sheldon Street and Brook Street;

3           Thence turning and running in a general southerly line to the intersection of Brook Street  
4 and Wickenden Street that being the point of beginning.

5           (2) Notwithstanding the provisions of this section, the board of licenses of the city of  
6 Newport shall, after application, have authority to exempt from the provisions of this section any  
7 proposed retailer Class B license intended to be located within the following described area in the  
8 city of Newport:

9           Beginning at a point, that point being the intersection of the southerly line of Broadway  
10 and the easterly line of Courthouse Square;

11           Thence running in a general northeasterly direction along the southerly line of Broadway  
12 a distance of one hundred and two feet (102') to a point at the southeasterly corner of land now or  
13 formerly owned by the Newport Historical Society;

14           Thence turning and running in a southeasterly direction ninety-eight and nine-tenths feet  
15 (98.9') along the southwesterly border of land now or formerly owned by the Newport Historical  
16 Society;

17           Thence turning and running in a southwesterly direction one hundred and twelve feet  
18 (112') to Courthouse Street; and

19           Thence turning and running in a generally northwesterly direction along Courthouse  
20 Street for a distance of ninety feet (90') to the point and place of beginning.

21           (3) Notwithstanding the provisions of this section, the board of licenses of the town of  
22 Warren shall, after application, have the authority to exempt from the provisions of this section  
23 any proposed retailer Class B, C, or I license intended to be located within any zoning district in  
24 the town of Warren which is designated as a limited business district or as a general business  
25 district pursuant to the zoning ordinance of the town of Warren.

26           (4) Notwithstanding the provisions of this section, the board of licenses of the town of  
27 Bristol shall, after application, have the authority to exempt from the provisions of this section  
28 any proposed retailer Class B license intended to be located on lot 34 of tax assessors plat 10 of  
29 the Bristol tax assessors map as of December 31, 1999, including that portion of the public  
30 sidewalk contiguous to said lot.

31           (5) Notwithstanding the provisions of this section, the board of licenses for the city of  
32 Newport shall, after application, have the authority to exempt from the provisions of this section  
33 as to places of public worship any proposed sidewalk cafe as defined in the Codified Ordinance  
34 of the city of Newport, provided that the applicant be an existing holder of a Retailers' Class B

1 license.

2 (6) Notwithstanding the provisions of this section, the board of licenses of the city of  
3 Providence shall, after application, have the authority to exempt from the provisions of this  
4 section any proposed retailer Class B license intended to be located on lot 131 of tax assessors  
5 plat 68 of the Providence tax assessors map as of December 31, 1999 and any proposed retailer  
6 Class B license intended to be located on lot 21 of the tax assessors map plat 49 and any proposed  
7 retailer class BV license intended to be located on lots 3 and 5 of tax assessors map plat 35 of the  
8 Providence tax assessors map as of December 31, 2003.

9 (7) Notwithstanding the provisions of this section, the board of licenses of the city of  
10 Cranston shall, after application, have the authority to exempt from the provisions of this section  
11 any proposed retailer Class B license intended to be located on either lot 160 of tax assessor's plat  
12 9, and/or on lot 152 of tax assessor's plat 9, of the Cranston tax assessor's map as of December 31,  
13 2002; provided, however, as to the subsequent transfer of said Class B license issued by the city  
14 of Cranston under this exemption, whether said transfer is attributable to the holder's death or  
15 otherwise, any person desiring to become the potential transferee of said Class B license shall  
16 comply with those restrictions as to its use (and shall refrain from those activities which result in  
17 its reversion) set forth in the city of Cranston Memorandum of Understanding dated May 13,  
18 2003 and, in addition, those requirements applicable to anyone who desires to become a  
19 transferee of a validly issued and outstanding Class B license designated for use in any location in  
20 the state of Rhode Island. Neither the exemption granted herein nor any future exemption granted  
21 hereafter shall be effective until the proposed Class B license and the underlying property owner  
22 is certified to be current in the payment of any and all local and state taxes.

23 (8) Notwithstanding the provisions of this section, the board of licenses of the city of  
24 Pawtucket shall, after application, have the authority to exempt from the provisions of this section  
25 any proposed retailer Class B, C, or I license intended to be located within the following  
26 described area in the city of Pawtucket:

27 Beginning at the point of intersection of Dexter Street and the Central Falls line, then  
28 east along the Central Falls line to the Blackstone River, then north along the city boundary on  
29 the Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to  
30 I-95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way,  
31 then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to  
32 the Central Falls line.

33 (9) Notwithstanding the provisions of this section the town council of the town of Little  
34 Compton, after application, is authorized to exempt from the provisions of this section relating to

1 places of worship any class B license limited to malt and vinous beverages intended to be located  
2 on Plat 30, Lot 33 of the town of Little Compton tax assessment map existing as of December 31,  
3 2004.

4 (10) Notwithstanding the provisions of this section, the board of licenses of the town of  
5 Bristol shall, after application, have the authority to exempt from the provisions of this section  
6 any proposed retailers' Class B license intended to be located on lots 3, 18, and 19 of tax  
7 assessors plat 10 of the Bristol tax assessors map as of December 31, 2007.

8 (11) Notwithstanding the provisions of this section the town council of the town of  
9 Smithfield, after application, is authorized to exempt from the provisions of this section, any class  
10 B, C, or I license intended to be located on Plat 45, Lot 042 of the town of Smithfield, tax  
11 assessment map existing as of December 31, 2007; provided, however, said exemption shall  
12 apply only to any renewal of any class B, C, or I license issued for use at the said premises  
13 located on plat 45, lot 042 as of December 31, 2011. In the event said license is not renewed, then  
14 this exemption is hereby repealed in its entirety.

15 (12) Notwithstanding the provisions of this section, the board of licenses of the city of  
16 Providence shall, after application, have the authority to exempt from the provisions of this  
17 section any proposed retailer Class B license intended to be located on plat 13, lots 31 and 32 of  
18 the applicable city of Providence tax assessment map.

19 (13) Notwithstanding the provisions of this section, the board of licenses of the town of  
20 Tiverton shall, after the application, have the authority to exempt from the provisions of this  
21 section a proposed retailer's Class BV license for a restaurant located on tax assessor's plat 181,  
22 lot 1A.

23 (14) Notwithstanding the provisions of this section, the board of licenses of the city of  
24 Providence shall, after application, have the authority to exempt from the provisions of this  
25 section any proposed retailer's Class B license intended to be located on tax assessor's plat 68, lot  
26 732.

27 (15) Notwithstanding the provisions of this section, the board of licenses in the city of  
28 Providence shall, after application, have the authority to exempt from the provisions of this  
29 section any proposed retailer's Class B license intended to be located on plat 105, lot 489, plat  
30 105, lot 12 and plat 32, lot 232 of the applicable city of Providence tax assessment map.

31 (16) Notwithstanding the provisions of this section the city council of the city of Central  
32 Falls, shall, after application, have the authority to exempt from the provisions of this section any  
33 proposed retailer's Class B license intended to be located on plat 5, lot 188 of the applicable city  
34 of Central Falls tax assessment map.

1 (17) Notwithstanding the provisions of this section, the board of licenses of the town of  
2 Portsmouth shall, after application, have the authority to exempt from the provisions of this  
3 section any proposed retailer's Class B license intended to be located on plat 37, lot 69 of the  
4 applicable town of Portsmouth tax assessment map.

5 (18) Notwithstanding the provisions of this section, the board of licenses of the town of  
6 North Providence shall, after application, have the authority to exempt from the provisions of this  
7 section any proposed retailer's Class B license intended to be located on plat 23A, lot 98 of the  
8 applicable town of North Providence tax assessment map.

9 (19) Notwithstanding the provisions of this section, the board of licenses of the city of  
10 Cranston shall, after application, have the authority to exempt from the provisions of this section  
11 any proposed retailer's Class B license intended to be located on Plat 11, lot 3558 of the  
12 applicable city of Cranston tax assessment map.

13 (20) Notwithstanding the provisions of this section, the town council of the town of  
14 Smithfield, after application, is authorized to exempt from the provisions of this section, any  
15 Class B or C license intended to be located on Plat 6, Lot 54 of the town of Smithfield tax  
16 assessors map as of December 31, 2012.

17 (21) Notwithstanding the provisions of this section, the board of licenses of the city of  
18 Cranston shall, after application, have the authority to exempt from the provisions of this section  
19 any proposed retailers class B license intended to be located on tax assessors plat 1, lot 2170 of  
20 the applicable city of Cranston tax assessment map as of December 31, 2012.

21 (22) Notwithstanding the provisions of this section, the board of licenses in the city of  
22 Providence shall, after application, have the authority to exempt from the provisions of this  
23 section any proposed retailer's Class B license intended to be located on tax assessor's plat 43, lot  
24 211.

25 (23) Notwithstanding the provisions of this section, the board of licenses of the town of  
26 North Providence shall, after application, have the authority to exempt from the provisions of this  
27 section any proposed retailer's Class B license intended to be located on Plat 22A, Lot 336, of the  
28 applicable town of North Providence tax assessment map.

29 (24) Notwithstanding the provisions of this section, the city council of the city of Central  
30 Falls shall, after application, have the authority to exempt from the provisions of this section any  
31 proposed retailer's Class B license intended to be located on plat 1, lot 164 of the applicable city  
32 of Central Falls tax assessment map.

33 (25) Notwithstanding the provisions of this section, the board of licenses in the city of  
34 Providence shall, after application, have the authority to exempt from the provisions of this

1 section any proposed retailer's Class B license intended to be located at 1948-1950 Westminster  
2 Street on plat 35, lot 359 of the applicable city of Providence tax assessment map.

3 (26) Notwithstanding the provisions of this section, the town council of the town of  
4 Middletown, after application, is authorized to exempt from the provisions of this section, any  
5 proposed retailer's Class BV license intended to be located on Plat 107 NW, Lot 55 of the town of  
6 Middletown's tax assessor's maps as of December 31, 2014.

7 SECTION 4. Chapter 3-7 of the General Laws entitled "Retail Licenses" is hereby  
8 amended by adding thereto the following section:

9 3-7-16.8. Additional licenses -- City of Providence. -- In addition to the licenses  
10 provided for in this chapter, the board of licenses of the city of Providence is authorized to  
11 establish and issue the following licenses. Before granting a license to any person under the  
12 provisions of §3-7-16.8, the board of licenses of the city of Providence shall give notice by  
13 advertisement published once a week for at least two (2) weeks in a newspaper of general  
14 circulation published in the city of Providence. The advertisement shall contain the name of the  
15 applicant and a description by street and number or other plain designation of the particular  
16 location for which the license is requested. Notice of the application shall also be given, by mail,  
17 to all owners of property within two hundred feet (200') of the place of business seeking the  
18 application. The cost of the application shall be borne by the applicant. The notices shall state that  
19 remonstrants are entitled to be heard before the granting of the license, and shall name the time  
20 and place of the hearing. At the time and place, the remonstrants shall be granted a full  
21 opportunity to make their objections before the licensing board acts upon the application.

22 (1) Class S license - Supper club - Food and Nightclub. -

23 (i) A retailer's Class S license is issued only to a licensed bona fide tavern keeper or  
24 victualer whose tavern or victualing house may be open for business and regularly patronized at  
25 least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or  
26 served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. The licensing board may  
27 fix an earlier closing time, at its discretion. The annual license fee for a Class S license shall be  
28 four hundred dollars (\$400) to two thousand five hundred dollars (\$2,500).

29 (ii) The license authorizes the holder to keep for sale and sell beverages including beer in  
30 cans, at retail at the place described and to deliver them for consumption on the premises or place  
31 where sold, but only at tables or a lunch bar where food is served. It also authorizes the charging  
32 of a cover, minimum, or door charge. The amount of the cover, or minimum, or door charge is  
33 posted at the entrance of the establishments in a prominent place.

34 (iii) Any holder of a Class S license may file an application with the licensing board to

1 open for business and serve or sell beverages until two o'clock (2:00) a.m. on Fridays and  
2 Saturdays and the night before legal state holidays. The fee for such application shall be between  
3 two hundred dollars (\$200) and one thousand dollars (\$1,000). All requests for a two o'clock  
4 (2:00) a.m. license shall be advertised by the board of licenses in a newspaper of general  
5 circulation published in the city of Providence.

6 (iv) Subject to the provisions of the Providence zoning ordinance, a holder of a retailer's  
7 Class S license is allowed to erect signs advertising their business and products sold on the  
8 premises, including neon signs, and is allowed to light those signs during all lawful business  
9 hours, including Sundays and holidays.

10 (v) The holder of a Class S license may convert their establishment from a supper club to  
11 a nightclub between designated hours, upon approval by the board of licenses at the time of the  
12 original application. The applicant shall provide to the board the designated hours it will operate  
13 as a nightclub, and all other information as required by the board of licenses for approval of a  
14 Class N license. Upon approval of such application, the licensee shall adhere to all conditions  
15 required for a Class N license holder. Provided a Class S license holder has applied for and been  
16 approved for this additional nightclub format and a violation subsequently occurs, the board may  
17 choose to impose a penalty on the supper club operation or the nightclub operation, or both, as  
18 determined by the format in operation at the time of the violation.

19 (2) Class SB license - Smoking Bar -

20 (i) A retailer's Class SB license authorizes the holder of the license to keep for sale and to  
21 sell beverages at retail at the place described in the license. No beverages shall be sold or served  
22 after one o'clock (1:00) a.m. nor before six o'clock (6:00) a.m., except as provided in subsection  
23 (4) of this section. The board of licenses may fix an earlier closing time at its discretion. The  
24 license authorizes the holder to keep for sale and sell beverages, including beer in cans, at retail at  
25 the place described in the license. The annual fee for the license shall be the same as for the Class  
26 B license, pro-rated to the year ending December 1 in every calendar year. The annual license fee  
27 for a Class SB license shall be four hundred dollars (\$400) to two thousand five hundred dollars  
28 (\$2,500).

29 (ii) All applicants for a Class SB license must have as its primary business purpose the  
30 sale of tobacco for consumption on the premises. Under this section, tobacco products shall mean  
31 any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe  
32 tobacco, snuff, chewing tobacco, dipping tobacco, orbs, sticks, dissolvable tobacco products, and  
33 electronic cigarette cartridges and any electronic smoking devices derived from tobacco,  
34 including nicotine; provided, however, that tobacco products shall not include any product that

1 has been approved by the United States Food and Drug Administration for use as a medical  
2 treatment to reduce and eliminate nicotine or tobacco dependence.

3 (iii) Smoking bars may sell food prepared on or off the premises.

4 (iv) Smoking bars shall allow only consumption of food and beverages sold by the  
5 licensee on the premises, and shall not permit occupants to bring food and beverages to the  
6 premises for consumption.

7 (v) Effective July 1, 2016, all establishments holding, or required to hold, an SB license,  
8 whether existing or to be established, must demonstrate to the licensing board, by a  
9 preponderance of the evidence, that annual revenues generated by tobacco sales are greater than  
10 fifty percent (50%) of the total gross revenue for the establishment, and that the serving of food,  
11 alcohol, or beverages is only incidental to the consumption of such tobacco products. Such  
12 evidence must be provided to the licensing board:

13 (A) Upon the filing of any application for a Class SB license, including that provided for  
14 in subsection (2)(vii) of this section; and

15 (B) Quarterly for a period of one year, and annually thereafter; and

16 (C) At any other time upon the licensing board's request.

17 (vi) Every owner of a smoking bar shall register no later than January 1 of each year with  
18 the division of taxation and shall provide, at a minimum, the owner's name and address, any agent  
19 for service of process, and the name and address of the smoking bar.

20 (vii) Any holder of a Class SB license may file an application with the licensing board to  
21 sell or serve beverages on Fridays and Saturdays and the night before legal state holidays until  
22 two o'clock (2:00) a.m. The fee for such application shall be two hundred dollars (\$200).

23 (viii) Any smoking bar, as defined herein, is required to provide proper ventilation and  
24 smoke filtration system(s) that will prevent the migration of smoke into the street, or any other  
25 parts of the inhabited building, in accordance with §23-20-10.

26 (ix) The licensing board is authorized to immediately suspend, revoke or exercise other  
27 remedies with respect to:

28 (A) Any Class SB licensee that provides entertainment without an entertainment license  
29 issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or

30 (B) Any Class SB licensee that engages in activities exceeding those permitted by a Class  
31 SB license, unless such licensee has obtained any additional license permitting such activities,  
32 including, but not limited to, a Class N license.

33 (x) Upon the licensing board's establishment of a Class SB license, smoking shall be  
34 prohibited in all licensed premises not holding a Class SB license, including, but not limited to,

1 premises governed by Class B, C, I, N, NB, and S licenses.

2 SECTION 5. Chapter 5-22 of the General Laws entitled "Shows and Exhibitions" is  
3 hereby amended by adding thereto the following section:

4 **5-22-1.1. Live entertainment -- City of Providence.** -- The board of licenses for the city  
5 of Providence is authorized to license, regulate or prohibit "live entertainment" in the city of  
6 Providence including, but not limited to, live performances of music or sound by individuals,  
7 bands, musicians, disc jockeys, dancing, or karaoke, with or without charge, provided that  
8 "incidental entertainment" be permitted as of right, and no license shall be required. "Incidental  
9 entertainment" means background music provided at a restaurant, bar, nightclub, supper club or  
10 similar establishment, limited to the following format:

11 (1) Live music performance limited to no more than a maximum of three (3) acoustic  
12 instruments which shall not be amplified by any means, electronic or otherwise; or

13 (2) Prerecorded music or streamed music played over a permanently installed sound  
14 system. If a bar or restaurant includes incidental entertainment, it cannot charge a cover charge,  
15 shall not allow dancing by patrons of the establishment, cannot employ flashing, laser or strobe  
16 lights, and the maximum volume, irrespective of the format, is limited solely to the boundaries of  
17 the premises at all times, and shall permit audible conversation among patrons of the  
18 establishment.

19 SECTION 6. 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 clarify Class B, C and N liquor licenses to authorize the board of licenses  
2 for the city of Providence to take action with respect to licensed entities providing entertainment  
3 without a proper license; and would also establish new Class NB (Neighborhood Bar), Class S  
4 (Supper Club) and Class SB (Smoking Bar) licenses. This act would also require licensees to  
5 cooperate with local licensing boards and law enforcement investigating potential violations, and  
6 permit licensing boards to suspend or revoke a license for misrepresentations and failure to  
7 cooperate with an investigation. This act would further authorize the city of Providence to  
8 regulate live entertainment.

9           This act would take effect upon passage.

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LC005190  
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