

Amendment No. 376

Senate Amendment to Senate Bill No. 233

(BDR 52-154)

Proposed by: Committee on Taxation**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of SB233 (§§ 2, 13).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 2, page 2, lines 4, 6 and 10, by deleting:

“wine or malt” and inserting *“alcoholic”*.Amend sec. 2, page 2, line 11, by deleting *“and”*.Amend sec. 2, page 2, line 12, after *“(c)”* by inserting:

“Purchases any alcoholic beverages used for such samples from a wholesale dealer of alcoholic beverages who is licensed under chapter 369 of NRS; and

(d)”.

Amend sec. 2, page 2, lines 14 and 17, by deleting:

“wine or malt” and inserting *“alcoholic”*.Amend sec. 2, page 2, line 18, after *“3.”* by inserting:

SJC/BJE

Date: 4/21/2005

S.B. No. 233—Makes various changes relating to alcoholic beverages.

“Notwithstanding any other provision of law, a supplier, manufacturer, importer or wholesale dealer of alcoholic beverages may assist a person who operates a grocery store in serving samples of alcoholic beverages pursuant to this section. The assistance authorized by this subsection is limited to the pouring of such samples or the provision of information, instruction or education regarding the product being sampled, or any combination of those tasks. The provision of such assistance does not relieve the person who operates the grocery store from the responsibility of complying with all the requirements of this section.

4.”.

Amend sec. 2, page 2, by deleting line 25 and inserting:

“5. A person who serves samples of alcoholic beverages on”.

Amend sec. 2, page 3, line 1, by deleting “5.” and inserting “6.”.

Amend sec. 2, page 3, by deleting line 4 and inserting:

“7. As used in this section:

(a) “Convenience store” means a store which is principally devoted to providing the public with a convenient location to purchase consumable products quickly and in which the area open to the public is less than 5,000 square feet.

(b) “Grocery store” means a store”.

Amend sec. 2, page 3, by deleting line 11 and inserting:

“(1) A convenience store.”.

Amend sec. 2, page 3, line 12, by deleting “(b)” and inserting “(2)”.

Amend sec. 3, page 3, line 20, by deleting “facility.” and inserting:

“facility, including, without limitation, compliance with all applicable federal bonding, permitting and other requirements for the production, blending, treatment, storage and bottling of wine.”.

Amend sec. 3, page 3, by deleting line 29 and inserting:

“(c) Serve wine produced on the premises of the facility by the glass for consumption on the”.

Amend sec. 3, page 3, line 36, by deleting:

“received instruction or”.

Amend sec. 3, page 3, by deleting lines 38 and 39 and inserting:

“household or personal use. That person:

(1) May distribute the wine to any other person of legal age as a gift.

(2) Shall not remove from the facility:

(I) Any wine other than that which the person participated directly in the process of making on the premises of the facility.

(II) More than 60 gallons of wine during any period of 12 months.”.

Amend sec. 3, page 4, line 29, after *“Importing”* by inserting *“bulk”*.

Amend sec. 3, page 4, by deleting line 31 and inserting:

“to be blended with other wine and aged in a suitable cellar.”.

Amend the title of the bill by deleting the second line and inserting:

“grocery stores to serve samples of alcoholic”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law regulates and establishes conditions and licensing requirements for the importation, sale and distribution of alcoholic beverages in the State. (NRS 369.010-369.550, 597.120-597.262)

This bill authorizes an operator of a grocery store to serve samples of alcoholic beverages on the premises of the store to a person of legal age. Convenience stores and stores at which the sale of food for consumption off premises is incidental to the principal purpose of the store are not authorized to serve samples of alcoholic beverages.

Existing law restricts a manufacturer, blender or bottler of alcoholic beverages from engaging or investing in a business that imports, wholesales or retails alcoholic beverages. (NRS 597.210) Existing law allows the operation of a winery in a county with a population of 100,000 or less (currently counties other than Clark and Washoe Counties). (NRS 597.240)

This bill authorizes a person to operate an instructional wine-making facility if the person obtains a license from the Department of Taxation. This bill also authorizes the licensee to engage in the process of wine making and to serve wine by the glass for consumption on the premises of the facility.

This bill requires that the wine produced on the premises of the facility be used, consumed or disposed of on the premises. A limited amount of the wine may be distributed to a person participating in the wine-making process for that person's household or personal use or as a gift under certain circumstances.

This bill makes it a misdemeanor to sell, offer to sell or solicit the purchase or sale of wine produced on the premises of an instructional wine-making facility. It is also a misdemeanor to use wine produced on the premises for any purpose other than household or personal use or as a gift.