

20-X- 5-.15 Permits for Off-Site Tasting Rooms for In State Wine Manufacturers and a Winery Association

(1). Application for a permit.

(a). An application for a permit shall be in a form prescribed by the Board. Each applicant shall sign and swear to the application.

(b). Only one permit for one off-site tasting room shall be issued to a manufacturer licensee per license year.

(c). Once issued a permit shall be valid for the balance of the license year unless surrendered, suspended or revoked.

(2). Requirements.

(a.) To be eligible to receive and hold a permit, an applicant must already hold a valid manufacturer license.

(b). The permitted premises shall be regarded the same as a licensed premises.

(c). Evidence of ownership or a lease for the real property where the applicant's off-site tasting room will be located.

(d). Any other information as may, at their discretion, be requested by the Board.

(3) Factors to Fulfill before Issuance of a Permit. Before issuing a permit the Board shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is suitable for a tasting room. The location shall:

(a). Have been awarded approval from the local governing body.

(b). Meet all the requirements for on-premises licensees enumerated in Rule 20-X-6-.02.

(c). The off-site tasting room shall be limited to only one building or one premises within one building.

(4). Requirements of Financial Responsibility of a Permit Holder. All permit holders shall maintain liquor liability insurance as prescribed by Rule 20-X-5-.14. Coverage shall specifically include the off-site tasting room location.

(5). Regulation of Off-Site Tasting Rooms. In addition to all other requirements of law or rules and regulations of the ABC Board, all off-site tasting rooms shall comply with the following conditions:

(a). No one under 21 years of age may dispense or serve alcohol.

(b). All service for on-premise consumption shall be conducted by servers. No self-service permitted.

(c). All sales and consumptions must take place inside the licensed premise.

(d). Only products manufactured at the winery's primary premises may be sold at the off-site tasting room.

(e). Only products that have previously been approved for sale in the State may be sold or given away on the permitted premises.

(f). Records from wine sales and tastings shall be maintained at the permitted premises for three years. A duplicate record shall be maintained at the primary winery premises.

(6). The winery association shall verify yearly that it represents a majority of the in-state wineries.

(7). The board may, itself initiate, investigate and, if appropriate, disapprove and prohibit the continue tastings of any permitted site found to be operating in violation with the rules.