

CHAPTER Liq 500 RULES RELATING TO PARTICULAR LICENSEES

Statutory Authority: RSA 176:14, RSA 177:10, RSA 178:22, V(e), RSA 178:27-a

Readopt with amendments Liq 501.01-506.14, effective 10-23-2013 (Document #10443), to read as follows:

PART Liq 501 CLUBS

Liq 501.01 Definitions. As used in this part, unless a different meaning is clearly intended from the context:

(a) "Auxiliary(ies)" means an individual(s) recognized and defined in the by-laws of a private club in possession of a current membership card who has canteen and other club privileges, but who is not a full voting member of the club.

(b) "Club licensee" means the holder of an on-premises license issued under RSA 178:22, V(h).

(c) "Member" means any person in possession of a current membership card who has full privileges in the club, a vote in its affairs, and the right to run for office. The term includes affiliated Sons of the American Legion.

(d) "Guest" means an adult person who is accompanied by a member or auxiliary and who is registered in the club guest book.

Liq 501.02 Roster of Members. Club licensees shall have a roster of their members and auxiliaries with their names, addresses, and date upon which each member joined the club, kept on the licensed premises for inspection by the commission or its investigators at all times.

Liq 501.03 Cocktail Lounge Privileges.

(a) Clubs with auxiliaries may extend cocktail lounge privileges to auxiliaries.

(b) American Legion clubs with Sons of the American Legion affiliates may extend membership privileges to auxiliaries.

(c) In no case shall any non-member have cocktail lounge privileges, except that members and auxiliaries of a club licensed under RSA 178:22, V, (h) shall be entitled to cocktail lounge privileges at any other like national fraternal club in this state provided the member or auxiliary has on his or her person and displays on request a current membership card of that same national fraternal organization.

(d) The by-laws of the private club, which grant auxiliary membership status to a group of individuals, shall be filed with the commission offices to provide for formal recognition of the club's auxiliaries by the commission.

Liq 501.04 People to Whom Liquor May be Served In Veterans' and Social Clubs. No beverages or liquor shall be sold to the general public or to any other persons except members, guests, or auxiliaries of a club in this state affiliated with the same national fraternal organization and licensed under RSA 178:22, V, (h) provided that such member or auxiliary has on his or her person, and displays on request, a current membership card of that same national fraternal organization.

Liq 501.05 Guests and the Guest Book Requirements.

(a) The guest book shall contain the name and address of the guest together with the name of the accompanying member, or auxiliary, and the date of attendance. For the purposes of this rule, "address" means the city or town and state.

(b) Each member or auxiliary may be accompanied by up to 4 guests at any one time.

(c) Such guests shall remain on the club premises in the company of such member, or auxiliary, only so long as such member or auxiliary remains in the club.

(d) The guest book shall be open for inspection by commission investigators at all times.

(e) Guest books shall be written legibly and maintained on the premises for at least one year.

Liq 501.06 Access Restricted. The entrance to a private club shall be restricted by a bell or buzzer system.

Liq 501.07 Records Available for Inspection. Club licensees shall have all their records available for inspection, including financial records, and such records shall be kept in the English language.

Liq 501.08 Date for Submission of Report; Forms. All club licensees shall make a sworn return to the commission once each month on or before the 15th of the following month, showing the income from liquor sold and expenses chargeable to that part of the license as required on Form 233 "Financial Statement of Club Operations" (revised 09/2022).

Liq 501.09 Bingo Games.

(a) Club licensees shall forward written notification to the commission at least 5 business days prior to holding bingo games as defined by RSA 287-E.

(b) No liquor or beverage shall be sold by any club licensee during and for 15 minutes following the close of bingo games on each approved date when such affairs are open to the public.

(c) Bingo games conducted in approved rental halls may be conducted concurrently with the operation of the club canteen and shall be treated as rentals under the provisions of Liq 501.13.

Liq 501.10 Minutes of Meetings; Financial Statement Retained.

(a) Minutes of all club meetings and monthly financial statements of club operations covering a period of 3 years prior to the current date shall be retained on the club premises and made available to the commission, its examiners, or investigators at all times.

(b) Club-veterans, as defined in RSA 175:1, XXII, shall be exempt from keeping minutes.

Liq 501.11 RESERVED

Liq 501.12 Beverages and Liquor Served. All beverages and liquor consumed on the club premises shall be those which are sold, or, in the case of tastings under RSA 179:44, served by the club except private groups may bring in and serve, or, if a one-day license holder, sell their own liquor and beverage in approved rental halls or rooms.

Liq 501.13 Rental of Club Rooms.

(a) Club licensees having halls or rooms on the premises available for rentals shall have such halls or rooms licensed by the commission pursuant to RSA 178:22, V(h)(3), prior to any rental or any supplemental license being issued.

(b) These rooms or halls shall have separate:

(1) Toilet facilities; and

(2) Entrances and exits from the club proper.

(c) Club and rental areas shall be completely separated during the period of rental.

(d) Club licensees shall notify the commission in writing at least 5 business days before the date of any rental.

(e) This notification shall include:

(1) The name of the individual or organization desiring to rent the hall; and

(2) The date and time of the rental.

(f) Club licensees shall be responsible for the maintenance of order and compliance with state laws and town ordinances governing these assemblies.

Liq 501.14 Advertisements.

(a) Club licensee advertisements for club affairs to be held on their licensed premises shall contain the statement "FOR MEMBERS AND THEIR GUESTS ONLY" with the lettering of such statement at least as large as any other lettering in the advertisement.

(b) Attendance at such affairs shall be limited to members and their guests only; and

(c) No advertising shall invite the general public and non-members to attend.

Liq 501.15 Transfers of Location.

(a) All petitions pursuant to RSA 178:25 for transfer of a club license to a location owned or controlled by the licensee that are received in the commission's offices at least 5 business days prior to the event and meet the requirements of RSA 178:25 and any other statutory requirements that apply shall be granted.

(b) Transfers shall not exceed 3 consecutive days and 6 total days for any organization during their license year.

PART Liq 502 HOTEL ON-PREMISES LICENSEES

Liq 502.01 Service Bars. Hotel licensees may have auxiliary service bars in any hotel areas licensed for service and sale of alcoholic beverages.

Liq 502.02 Exception to Minimum Opening Requirement For Hotels.

(a) A hotel full service restaurant licensee shall be open for business at least 5 days per week for evening meals pursuant to RSA 178:21, II(b)(2).

(b) Licensees may request an exception to RSA 178:21, II(b)(2) that expires at the end of the license year by filing a specific written request to the commission.

(c) Written requests for exceptions shall include:

(1) The name, address, and license number of the business;

(2) The proposed schedule; and

(3) The signature of the owner or manager.

(d) The commission shall grant a request for an exception if it determines that:

(1) The proposed schedule shall not lead to alcohol sales regularly predominating over food sales in a manner contrary to public health and safety;

(2) The proposed schedule shall not conflict with any other statute or rule; and

(3) The licensee satisfies all other requirements established by this Chapter.

Liq 502.03 Service and Preparation of Food. A hotel full service restaurant licensee or his or her employees shall prepare, cook, and serve the food for the restaurant. In no case shall the food concession be leased or rented out to any other person.

PART Liq 503 ON-PREMISES RESTAURANT LICENSEES

Liq 503.01 Account of Business.

(a) A restaurant licensee shall preserve and maintain for 7 years a complete and accurate account of business, including but not limited to sales slips, register tapes, purchase orders, invoices, and inventory slips, separated in such manner that the commission upon audit can determine the total amount of sales of food as compared to the sales of beverage, liquor, and incidentals.

(b) All sales shall be recorded on a cash register that separates sales of liquor and beverage from sales of food.

Liq 503.02 Food Certification. A certification of food, beverage, and liquor sales made by the licensee during the previous license year shall be filed with the commission by each licensee that is licensed pursuant to RSA 178:21, II(a)(1) and RSA 178:22, V(q) as part of their license renewal, and the licensee shall complete and submit the required information on Form Liq LE-1 “Renewal Application” (revised 09/2022) provided by the commission, and include affidavits for any new officers, if applicable.

Liq 503.03 Exemption to Opening Requirement For Full Service Restaurants Licensed for Full Liquor Sales.

(a) A full service restaurant licensee shall be open for business at least 5 days per week for evening meals pursuant to RSA 178:21, II(a)(2).

(b) Licensees may request an exemption to RSA 178:21, II(a)(2) that expires at the end of the license year by filing a specific written request to the commission.

(c) Written requests for exemptions shall include:

- (1) The name, address and license number of the business;
- (2) The proposed schedule; and
- (3) The signature of the owner or manager.

(d) The commission shall grant a request for an exemption if it determines that:

- (1) The proposed schedule shall not lead to alcohol sales regularly predominating over food sales in a manner contrary to public health and safety;
- (2) The proposed schedule shall not conflict with any other statute or rule; and
- (3) The licensee satisfies all other requirements established by this Chapter.

Liq 503.04 Service and Preparation of Food.

(a) A restaurant licensee or his or her employees shall prepare, cook, and serve the food for the restaurant.

(b) In no case shall the food concession be leased or rented out to any other person.

(c) Service of food in a full service restaurant licensed for full liquor sales shall consist of serving the food to the table on plates or appropriate dinnerware and accompanied by appropriate tableware.

PART Liq 504 RESERVED

PART Liq 505 ONE-DAY LICENSES ISSUED PURSUANT TO RSA 178:22, V(1).

Liq 505.01 Definitions. As used in this part, unless a different meaning is clearly intended from the text, a "one-day licensee" means a holder of a one-day license for voluntary non-profit organizations in order to sell beverages, specialty beverages, and liquor on premises approved by the commission.

Liq 505.02 Conflict of Rules. One-day licensees shall comply with the provisions of Liq 505 when it conflicts with another rule.

Liq 505.03 Hours of Service. Hours of service shall be noted on the license and no beverage or liquor shall be sold or consumed except during those hours.

Liq 505.04 Records to be Maintained.

(a) One-day licensees shall maintain records for one year showing the amount of money derived from the sale of beverage or liquor or both, the expense incurred in making such sales and the distribution of profits realized from said sales.

(b) Said records shall be made available for audit on request by the commission, its examiners, or investigators at all times subsequent to the issuance of a license.

Liq 505.05 Surrender of License.

(a) If a liquor investigator suspends the one-day license for sales contrary to public safety, the one-day licensee shall:

- (1) Surrender its license on demand; and
- (2) Immediately cease all sales of beverage and liquor.

(b) Sales contrary to public safety shall include multiple violations of RSA 179:5 and violations of RSA 179:50 or RSA 179:51.

PART Liq 506 WHOLESALE DISTRIBUTORS, BEVERAGE MANUFACTURERS, BEVERAGE VENDORS, BREW PUBS AND NANO BREWERIES.

Liq 506.01 Rebates and Discounts.

(a) No wholesale distributor licensee shall give or grant any rebate or discount except such as are given or granted by them to all retail licensees for similar purchases, as reflected in prices and discount schedules posted with the commission.

(b) All rebates or discounts shall be shown on invoices, sales slips, delivery slips, and office records.

(c) Discounts not posted with the commission and false credits for defective beverage shall be considered violations of this section.

Liq 506.02 Sale, Delivery, or Return of Product by Wholesale Distributors.

(a) Wholesale distributor licensees shall sell or deliver beverage in original or equivalent containers or cases as prepared for the market by the manufacturer.

(b) Any returned product from the market to the wholesale distributor shall be in original or equivalent containers or cases.

(c) Damaged product returned to the wholesale distributor shall only be product from the market damaged by the wholesale distributor's employees.

Liq 506.03 Equipment, Furniture, Fixtures and Property.

(a) Beverage vendor, beverage manufacturer, brew pub, and wholesale distributor licensees may:

(1) Lend, install, or service or cause to be installed or serviced, equipment commonly known as taps, rods, and hose connections from the barrel to the back tin, where the faucets and taps are mounted, or permanent dispensing system; and

(2) Lend or give such washers, clamps, bungs, or special equipment that are necessary to cause such tapping equipment to function properly and also furnish knobs designating brands of beer dispensed in outlets.

(b) In no case shall installations be made or services given to any other non-proprietary part of the dispensing system such as coils, faucets, compressors, gas, air gauges, cooling equipment, or other parts of such equipment necessary for proper function of the complete dispensing system.

(c) Off-sale licensees may loan pumps and tapping equipment for use at picnics and outings for non-licensees or one-day license holders.

(d) No on-sale or off-sale licensee shall knowingly hire or employ as a contractor, any person who holds a license issued under RSA Title XIII, except as allowed by RSA 179:11, III.

(e) A beverage vendor, beverage manufacturer, or wholesale distributor licensee shall instruct a licensee in the proper method of using or cleaning of equipment.

(f) This section shall not apply to nano breweries.

Liq 506.04 Sale on Credit. No wholesale distributor licensee shall sell beverage on credit except to those persons holding New Hampshire retail or wholesaler licenses and then in accordance with RSA 179:13.

Liq 506.05 Deposits, Rebates.

(a) Any deposits on beverage containers, and conditions for redemption, shall be included on wholesale distributor's price postings for said beverages.

(b) Rebates for returned containers shall:

- (1) Be clearly shown on invoices; and
- (2) Not exceed the deposits charged for said containers.

Liq 506.06 Keg Registration.

(a) In-state licensees selling draught beer kegs to the public shall maintain a keg registration declaration and receipt book ("Keg registration book"), which contains a series of numbered documents.

(b) Any in-state licensee selling draught beer kegs to the public shall affix a numbered sticker from the keg registration book to each keg sold which shall contain:

- (1) The trade name and license number of the seller;
- (2) The name of the clerk making the sale;
- (3) The name, address, and date of birth of the purchaser;
- (4) The type of identification card used to verify the data required by (3) above;
- (5) The identification number of the sticker;
- (6) A statement of the purchaser's legal responsibilities; and
- (7) The dated signature of the purchaser.

- (c) Licensees shall not affix any keg registration sticker until it is completely filled out.
- (d) Licensees shall keep a copy of the keg registration sticker for at least one year from date of purchase.
- (e) The commission keg registration stickers shall be available for inspection by commission investigators or examiners.
- (f) Licensees shall obtain the keg registration book only from the commission.
- (g) Licensees shall either:
 - (1) Provide the keg to the purchaser at the time the commission keg registration sticker is signed and affixed to the keg; or
 - (2) Deliver the keg only to the person who signed the keg registration sticker, and obtain a signed and dated delivery receipt which shall be retained with the licensee copy of the keg registration sticker.
- (h) An in-state licensee accepting any return of a keg from the public which does not have a keg registration sticker affixed shall:
 - (1) Obtain the name, address, and date of birth of the person returning the keg;
 - (2) Note the type of identification card used to verify the data required by (1) above;
 - (3) Note the information on the identification card; and
 - (4) Report this information to the division of liquor enforcement within 5 business days.
- (i) Licensees who violate the provisions of these rules shall be subject to the penalties provided under Liq 603.

Liq 506.07 Wholesale Distributor Transfer and Receipt From Other Than Beverage Vendor.

- (a) Wholesale distributor licensees shall not accept alcoholic beverages from a wholesaler licensed out of state other than a beverage vendor licensee without an accompanying invoice from the beverage vendor detailing all particulars of the transaction, including the date of transfer, the shipping party, the quantity shipped, and the sender's invoice number and its date.
- (b) Wholesale distributor licensees shall not transfer alcoholic beverages to a wholesaler licensed out of state other than a beverage vendor without an accompanying invoice from the beverage vendor detailing all particulars of the transaction, including the date of transfer, the quantity transferred, the party transferred to, and the wholesale distributor's invoice number of the transfer.

Liq 506.08 Licensing. Each beverage vendor licensed in New Hampshire shall be the manufacturer of the beverage to be sold within the state, except when a manufacturer designates another person to be exclusively licensed to vend their beverages within the state of New Hampshire.

Liq 506.09 Product Approvals for all Licensees and Notifications for Certain In-state Licenses.

- (a) The following licensees shall seek approval under the standards below:
- (1) Beverage vendor, brew pub, nano brewer, and beverage manufacturer licensees shall provide the commission with the required information, including any fees, on the following forms to receive approval for the brand of beverage, label content, and package size prior to shipping into or selling any beverage within the state:
 - a. Form A-100 “Product Approval - Beverage Vendor” (revised 09/2022);
 - b. Form A-101 “Product Approval - Beverage Manufacturer” (revised 09/2022);
 - c. Form A-102 “Product Approval – Brew Pub” (revised 09/2022);
 - d. Form A-103 “Product Approval - Nano Brewery” (revised 09/2022);
 - e. Form A-104 “Product Approval - Variety Pack” (revised 09/2022); and
 - f. Form A-105 “Temporary Registration of Beer and Specialty Beverage for Festival” (revised 09/2022);
 - (2) The commission shall approve the label and packaging unless:
 - a. Statements on the label or packaging are false or misleading;
 - b. Any written statements on the label or packaging are illegible;
 - c. The packaging or labeling contains subliminal or similarly deceptive advertising techniques;
 - d. The packaging or labeling features a depiction of athletes that is deceptive and misleading in that it implies that consuming alcohol is conducive to athletic skill or physical prowess, or that consuming alcohol does not hinder the athlete’s performance;
 - e. The packaging or labeling features illustrations, subject matter, or other attributes that are consistent with products marketed toward children and youths;
 - f. The packaging or labeling features a depiction of consumption of an alcoholic beverage while seated in, about to enter, operating, or about to operate an automobile or other machinery;
 - g. An aspect of the packaging or labeling normalizes or encourages excessive drinking;
 - h. The packaging or labeling does not indicate in manner that is sufficiently clear that the product contains alcohol; or
 - i. The packaging or labeling used might result in confusion regarding whether the product is an alcoholic beverage;
- (b) The commission shall not be responsible for copyright or trademark infringement;

(c) The commission shall make a decision within 60 days of receipt of a complete application and provide the decision to the licensee. The commission shall extend the time period for the decision upon written agreement of the applicant.

(d) The following licensees shall provide notifications for in-state licensees for products to be available for sale prior to approval by the commission as follows:

(1) Beverage manufacturers, brew pubs, and nano-breweries shall provide the information required by forms in Liq 506.09 (a)(1) b.-d. prior to selling any beer, beverage, specialty beverage or specialty beer at their premises:

- a. Form A-101 “Product Approval - Beverage Manufacturer”;
- b. Form A-102 “Product Approval – Brew Pub; and
- c. Form A-103 “Product Approval – Nano Brewery”;

(2) In-state licensees may select the new product notification field on the forms in Liq 506.09(a). They shall only make the product available for sale upon new product notification, when a new product is:

- a. Authorized under their license type; and
- b. Brewed on-site for on-premises and off-premises sales in pre-approved generic containers and labels;

(3) The following in-state licensees shall not select the new product notification field on forms in Liq 506.09 (a)(1) b.-d. under the following conditions:

- a. The notification field shall not be selected by beverage manufacturers for cider, mead, or fermented beverages or similar fermented products over 6%, specialty beers over 12% or specialty beverages over 6%;
- b. The notification field shall not be selected by brew pubs for any cider over 6% or a specialty beer over 12%; and
- c. The notification field shall not be selected by nano breweries for any specialty beer over 12%; and

(4) Beverage manufacturers, brew pubs, and nano-breweries shall not submit any additional product approval requests for the same product for at least 30-days.

(e) Should any licensee be found to have violated any section of statute or Liq 509 pertaining to product approvals with regard to product that has not received final approval, after notice and an opportunity for hearing, the licensee shall immediately remove all such product from the trade at their expense, and be subject to administrative penalties.

Liq 506.10 Forms; Filing Deadlines.

(a) All licensed suppliers of beverages shall report to the commission all shipments of beverages sold to, transferred to, and returned for credit within the state, by the 10th of the month covering sales for the preceding month.

(b) All licensed suppliers of beverages shall complete and submit the information required on Forms: 258 “Monthly Report of Sales of Beverages to Wholesalers within the State of New Hampshire” (revised 98/2022), 259 “Monthly Report of Sales of Specialty Beverages to Wholesalers within the State of New Hampshire” (revised 09/2022), 334 “Monthly Record of Returns of Beverages by N.H. Wholesalers to Beverage Vendors, Beverage Manufacturers, and Brew pubs” (revised 09/2022), and 335 “Monthly Record of Returns of Specialty Beverages by N.H. Wholesalers to Beverage Vendors and Beverage Manufacturers” (revised 09/2022).

(c) Wholesale distributor licensees shall report to the commission all shipments of beverage sold or transferred at retail or wholesale or returned to beverage vendors or other suppliers by the 10th of the month covering sales for the preceding month.

(d) Each wholesale distributor licensee shall complete and submit the required information on Form 246 “Wholesale Monthly Return” (revised 09/2022) supported with detailed information on Forms: 248 “Schedule A” (revised 09/2022); 249 “Schedule B” (revised 09/2022); 250 “Schedule C” (revised 09/2022); 251 “Schedule D” (revised 09/2022); 252 “Schedule E” (revised 09/2022); 253 “Schedule F” (revised 09/2022); 254 “Schedule G” (revised 09/2022); 255 “Schedule H” (revised 09/2022); and 256 “Schedule I” (revised 09/2022).

(e) Beverage manufacturer licensees in-state shall report to the commission all beverages sold or furnished, by the 10th of the month covering sales or other distribution for the preceding month pursuant to RSA 178:26.

Liq 506.11 RESERVED

Liq 506.12 Bill and Hold Procedures; Prohibition of Prepaid Orders.

(a) For the purposes of Liq 506.12, "bill and hold" means a contract between any retail licensee and a wholesale distributor licensee for sale of beverage, in more than one delivery, based upon the current price on file with the commission, pursuant to RSA 179:33, III at the time of initial delivery, and a certain minimum quantity of beverage ordered, paid for, and completely delivered within 10 calendar days of the first delivery date.

(b) Pursuant to RSA 179:33, II, all original bill and hold invoices shall:

- (1) Be dated with the date of first delivery of the product to the licensee;
- (2) Be noted with the phrase "delivery for bill and hold" and the invoice number;
- (3) State the terms of the contract which shall at least include:
 - a. The last date of delivery allowed for the product to be received;
 - b. The last date that payment shall be received at the wholesale distributor's place of business; and

c. A statement that, if the provisions are not met exactly, the invoice shall be voided by the wholesale distributor and replaced by separate invoices for each delivery of beverage, priced at the cost for that quantity of beverage, as filed with the commission pursuant to RSA 179:33, III on that delivery date; and

(4) Be legibly receipted with the amount of payment, the date of the payment, and who received payment on behalf of the wholesale distributor.

(c) All bill and hold contracts shall be between the wholesale distributor licensee and the retail licensee, and settlement of any dispute shall be the sole responsibility of the contracting parties.

(d) Any bill and hold merchandise not delivered on the initial delivery shall remain the property of the wholesale distributor licensee and be stored on his or her licensed premises.

(e) No pre-paid bill and hold orders for beverage shall be permitted except a retailer may place funds on account with a wholesale distributor licensee, which may be applied to invoices once the beverage is delivered, but shall not be encumbered by undelivered orders.

(f) If a wholesale distributor licensee fails to complete the terms of the bill and hold contract, they shall invoice the retail licensee for the amount of beverage actually received at the bill and hold price.

(g) If a retail licensee refuses to complete the terms of the bill and hold contract, the wholesale distributor shall invoice the retailer for the amount of beverage actually received at the standard or base price in effect and filed with the commission pursuant to RSA 179:33, III, at the time of the original bill and hold order.

(h) Disputed bills, reported to the commission as delinquent pursuant to RSA 179:13, shall be handled as provided by RSA 179:13, III.

Liq 506.13 Ownership and Pricing of Beverage Product; Prepaid Orders.

(a) For the purposes of RSA Title XIII and commission administrative rules, ownership of beverage product shall transfer from:

(1) The wholesale distributor licensee to the retail licensee upon delivery by the wholesale distributor and acceptance by the retailer in person, or upon pick up of beverage at the wholesale distributor's place of business by the retailer; and

(2) The beverage vendor or beverage vendor importer to the wholesale distributor on the date of delivery at the wholesale distributor's premises, or upon pick up of beverage at a beverage vendor's, beverage vendor importer's or wholesale distributor's place of business by the wholesale distributor.

(b) Pursuant to RSA 179:33, III, prices charged for beverage products shall be those posted with the commission effective the date of transfer of ownership of the beverage product, except for those invoices of beverage product issued pursuant to the provisions of Liq 506.16.

(c) All prices and terms, including bill and hold shall be:

(1) Registered with the commission pursuant to RSA 179:33; and

(2) Made available to all retailers on an equal basis.

(d) No other prices and terms shall be offered to retailers than those filed with the commission pursuant to RSA 179:33.

(e) No pre-paid orders for beverage shall be permitted. A retailer may place funds on account with a wholesale distributor, which may be applied to invoices once the beverage is delivered, but shall not be encumbered by undelivered orders.

Liq 506.14 RESERVED

Adopt Liq 506.15 – Liq 506.22 to read as follows:

Liq 506.15 Tenant Brewer and Host Brewer.

(a) A tenant brewer shall obtain a federal brewer’s notice for each host site from the Alcohol and Tobacco Tax and Trade Bureau (“TTB”).

(b) A tenant brewer shall file with the commission:

- (1) A copy of their TTB brewer’s notice for each host site;
- (2) All TTB reports or forms by the 10th of the following month; and
- (3) A copy of their contract with the host brewer.

(c) A tenant brewer shall maintain records and logs of all beer or specialty beer produced at a host site which shall include date, time, equipment, employees, and quantity.

(d) A tenant brewer shall file a copy of the log with the commission by the 10th of the following month.

(e) A tenant brewer shall be authorized to manufacture beer or specialty beer on the premises of the host brewery.

(f) A tenant brewer shall obtain product approval with the commission prior to producing the beer or specialty beer at a host site.

(g) All beer or specialty beer produced at a host site shall be transferred from the host site within 60 days of bottling or kegging.

(h) A host brewer shall maintain a valid TTB brewer’s notice and a beverage manufacturer license with the commission.

(i) The host brewer shall adhere to TTB regulations regarding tenant/host brewing and shall make all documents available to the commission.

(j) The tenant and host brewers shall notify the commission when the contract is terminated.

(k) A licensee under RSA 178:18, RSA 178:20, RSA 178:21, and RSA 178:22, shall not be granted a tenant brewer license.

(l) A holder of a wholesaler license in any state, shall not be granted a tenant brewers license.

Liq 506.16 Tax Filings Required for Beverage Manufacturers, Beverage Manufacturers Retail Outlets, Beverage Vendors, Nano Breweries, Liquor Manufacturer, Rectifiers, Wine Manufacturers, Wine Manufacturers Retail Outlets, and Beer Festivals.

(a) The following monthly tax forms containing the required information shall be received in the commission's offices on or before the 10th of the following month, regardless of activity:

- (1) Form A-200 "Beverage Manufacturer" (revised 09/2022);
- (2) Form A-201 "Brew Pub" (revised 09/2022);
- (3) Form A-202 "Nano Brewery" (revised 09/2022);
- (4) Form A-203 "Liquor Manufacturer" (revised 09/2022);
- (5) Form A-204 "Rectifier" (revised 09/2022);
- (6) Form A-205 "Wine Manufacturer" (revised 09/2022);
- (7) Form A-206 "Wine Manufacturer Retail Outlet" revised 09/2022);
- (8) Form A-207 "Beverage Vendor Self Distribution" (revised 09/2022); and
- (9) Form A-208 "Beverage Manufacturer Retail Outlet" (revised 09/2022).

(b) Postmark shall not constitute receipt by the commission.

(c) Beer festival licensees shall file Form A-209 "Beer and Specialty Beverage Festival - Additional Fees" (revised 09/2022) within 10 days after the event.

Liq 506.17 Beverage Manufacturers, Brew Pubs, Nano Breweries, Liquor Manufacturers, Rectifiers, Tenant Brewers, and Wine Manufacturers TTB Production Reports.

(a) Beverage manufacturers, brew pubs, nano breweries, liquor manufacturers, rectifiers, tenant brewers, and wine manufacturers shall file with the commission copies of the following required TTB product reports within 10 days of the TTB filing:

(1) Beverage manufacturers, beverage vendors, brew pubs, nano breweries, and tenant brewers shall file the brewer's report of operation;

(2) Liquor manufacturers shall file copies of the following TTB reports:

- a. Report of processing operations;
- b. Monthly report of storage operations; and
- c. Monthly report of production operations.

(3) Rectifiers shall file copies of the following TTB reports:

- a. Report of processing operations;

- b. Report of storage operations; and
 - c. Report of production operations; and
- (4) Wine manufacturers shall file the report of wine premises operations.

Liq 506.18 Beverage Manufacturers, Beverage Manufacturer Retail Outlets, Beverage Vendors, Brew Pubs, Nano Breweries, Liquor Manufacturers, Rectifiers, Wine Manufacturers, Wine Manufacturer Retail Outlets and Wholesale Distributors Tax Report; Proper Record Keeping.

(a) Beverage manufacturers, beverage manufacturer retail outlets, beverage vendor, brew pubs, nano breweries, liquor manufacturers, rectifier, wine manufacturers, wine manufacturer retail outlets and wholesaler distributors shall maintain a complete and accurate account of business, separated in such a manner that the commission upon audit shall be able to determine the amount of taxes due to the commission.

(b) The frequency of manufacturer and wholesaler audits shall be determined on the amount of taxes paid to the commission, production amounts, and amount of sales. The higher the amount is, the more frequently an audit shall be conducted.

(c) Beverage manufacturers shall maintain and preserve the following business records for 2 years:

- (1) Sales slips for hospitality room, retail room, and farmer’s markets;
- (2) Cash register tapes for hospitality room, retail room, and farmer’s markets;
- (3) Sales and return invoices for wholesale distributors, if applicable;
- (4) Sales and return invoices for retail licensees, if applicable;
- (5) Payment information from retail licensees, if applicable;
- (6) Form L-081 “Wholesale Limited Credit Report” (revised 09/2022) if applicable; and
- (7) Numbered face pages of the completed keg registration book stickers.

(d) Beverage vendors shall maintain and preserve the following business records:

- (1) Sales and return invoices for retail licensees;
- (2) Payment information from retail licensees;
- (3) Notifications to the commission of delivery to retail licensees; and
- (4) Licensed carrier information.

(e) Brew pubs shall maintain and preserve the following business records:

- (1) Brew logs and brew sheets;
- (2) Sales slips for food, beer, wine, liquor, and farmer’s markets;

- (3) Cash register tapes for food, beer, wine, liquor, and farmer’s markets;
 - (4) Sales and return invoices for wholesale distributors, if applicable;
 - (5) Sales and return invoices for retail licensees, if applicable;
 - (6) Sales and return invoices for wholesale sales outside of New Hampshire; if applicable;
 - (7) Payment information from retail licensees, if applicable;
 - (8) Form L-081 “Wholesale Limited Credit Report” (revised 09/2022), if applicable; and
 - (9) Numbered face pages of the completed keg registration book stickers.
- (f) Nano breweries shall maintain and preserve the following business records:
- (1) Sales slips for tasting room, retail room, and farmer’s markets;
 - (2) Cash register tapes for tasting room, retail room, and farmer’s markets;
 - (3) Sales and return invoices for wholesale distributors, if applicable;
 - (4) Sales and return invoices for retail licensees, if applicable;
 - (5) Payment information from retail licensees, if applicable;
 - (6) Form L-081 “Wholesale Limited Credit Report” (revised 09/2022), if applicable; and
 - (7) Numbered face pages of the completed keg registration book stickers.
- (g) Liquor manufacturers shall maintain and preserve the following business records:
- (1) Sales slips for tasting room and retail rooms;
 - (2) Cash register tapes for tasting room and retail room; and
 - (3) Records for samples used off-premises.
- (h) Rectifiers shall maintain and preserve the following business records:
- (1) Sales slips for tasting room;
 - (2) Cash register tapes for tasting; and
 - (3) Records for samples used off-premises.
- (i) Wine manufacturers shall maintain and preserve the following business records:
- (1) Sales slips for tasting room, retail room, and farmer’s markets;
 - (2) Cash register tapes for tasting room, retail room, and farmer’s markets; and

- (3) Sales and return invoices for retail licensees, if applicable.
- (j) Wine manufacturers retail outlets shall maintain and preserve the following business records:
 - (1) Sales slips for tasting room and retail room;
 - (2) Cash register tapes for tasting room and retail room; and
 - (3) All inventory records showing the transfer of wine from the wine manufacturer’s premises to the wine manufacturer retail outlet.
- (k) Wholesale distributors shall maintain and preserve the following business records:
 - (1) All invoices and bills of lading from beverage vendors, beverage manufacturers, brew pubs, and nano breweries;
 - (2) Sales and return invoices for retail licensees;
 - (3) Payment information and collection sheets from retail licensees; and
 - (4) Form L-081 “Wholesale Limited Credit Report” (revised 09/2022).

Liq 506.19 Beverage Manufacturer, Brew pub, Nano Brewery, and Wholesale Distributors; Limited Credit.

- (a) Wholesale distributors, beverage manufacturers, brew pubs, and nano breweries who sell to licensees shall file with the commission on every business day Form L-081 “Wholesale Limited Credit Report” showing any licensee that is delinquent in making payments and any reported delinquent licensee who has made payment.
- (b) Wholesale distributor, beverage manufacturers, brew pubs, and nano breweries shall notify in writing any licensee who is delinquent in making payments.
- (c) Wholesale distributor, beverage manufacturers, brew pubs, and nano breweries shall preserve all payment information from licensees and make the information available to the commission at the time of an audit.

Liq 506.20 Specialty Beverages.

- (a) Beverage manufacturers and Beverage vendors shall complete and submit to the commission the required information on Forms 259 “Monthly Report of Sales of Specialty Beverages to Wholesalers within the State of New Hampshire” (revised 09/2022) and 335 “Monthly Record of Returns of Specialty Beverages by N.H. Wholesalers to Beverage Vendors and Beverage Manufacturers” (revised 09/2022) showing sales and returns of specialty beverage to a wholesale distributor by the 10th of the following month regardless of activity.
- (b) Wholesale distributors, beverage manufacturers, and beverage vendors shall invoice specialty beverages on a separate invoice and not include any other beverages.

Liq 506.21 Nano Breweries and Wine Manufacturers Sampler.

(a) Nano breweries shall complete and submit Form LTA-1M “License Type Application - Manufacturers” (revised 1/20) with the commission prior to conducting sampling at a wine manufacturer’s premises, and certify to the following:

“By initialing this statement, I certify that I will retain, maintain, and keep readily available all supporting documentation as required per this license application. If requested, I agree to provide such documentation to any member of the NHLC.”

(b) Wine manufacturers shall complete and submit Form LTA-1M with the commission prior to conducting sampling at a nano brewery’s premises.

(c) Nano breweries and wine manufacturers shall provide written notification to the commission, which may be by email, prior to conducting any sampling event with the date, time, and location.

(d) Nano breweries and wine manufacturers shall record all samples and sales on their monthly tax reports.

Liq 506.22 Ingredients in Alcohol.

(a) All alcoholic products manufactured or imported into New Hampshire shall follow the federal guidelines issued by the TTB on the use of formulas or labels for alcohol products that contain a controlled substance.

(b) No alcoholic product shall contain any controlled substance under the Controlled Substance Act (CSA), 21 U.S.C. Chapter 13.

(c) No alcoholic product’s label shall refer to any illegal substance under the Controlled Substance Act (CSA), 21 U.S.C. Chapter 13.

Readopt with amendment Liq 507.01-509.01 effective 7-22-14 (Doc. # 10467) to read as follows:

PART Liq 507 CATERER'S ON- AND OFF-SITE LICENSES

Liq 507.01 Definitions. For purposes of this part, the following terms shall be construed as set forth below:

(a) "Private group" means an assembly of persons gathered for a designated social or business occasion, present by reservation or invitation, and does not include the general public; and

(b) "Public building" means any building, excluding all private residences, maintained and available for any person, group, or organization, including:

(1) Retail business establishments when not open to the public;

(2) A licensed premises with a physical barrier between the licensed business and the catered area; and

(3) Tents, gazebos, or other defined outdoor areas with 2 separate toilet facilities located within the immediate vicinity.

Liq 507.02 Notification.

(a) On- and off-site caterer licensees shall complete and submit to the commission providing the required information on Form L-073 “Off Site Caterer - Approved Permanent Site” (revised 09/2022) in writing at least 5 business days before the date of any scheduled event at which alcoholic beverages shall be served on premises currently licensed for this purpose.

Liq 507.03 Application For Additional Sites.

(a) At least 10 business days prior to a function, off-site caterer licensees shall apply for approval of any permanent or temporary site not previously approved for the service of alcoholic beverages.

(b) The licensee shall complete and submit forms L-038 “Off-Site Caterer – Site Approval” (revised 09/2022) and L-069 “Off-Site Caterers Property Owners Form” (revised 09/2022) and shall submit a copy of the contractual agreement with the client, permit of assembly, and written authorization from the town.

Liq 507.04 Restrictions on Serving.

(a) Caterer or off-site caterer licensees shall serve alcoholic beverages only to private groups.

(b) Notwithstanding the provisions of paragraph (a), the holders of a caterer's supplemental license issued pursuant to RSA 178:22, V(e)(1)(B) may serve the public provided that:

- (1) They have petitioned the commission pursuant to Liq 205.10(a)(1) for permission to utilize a supplemental license date at least 5 days prior to the scheduled event giving the date, times of the event, and nature of any entertainment to be conducted on the premises;
- (2) At such times as they are serving liquor or beverage to the public, they shall serve food; and
- (3) They shall not simultaneously serve both the public groups and private groups unless they have separate toilet facilities, entrances, exits, and a physical separation shall be affected between the public and the private group portion of the premises during the period of the supplemental license.

Liq 507.05 Renewal Application. A caterer licensed pursuant to RSA 178:22, V(e)(1), shall complete and submit to the commission the required information on Form LE-1 “Renewal Application” (revised 09/2022).

Liq 507.06 Account of Business.

(a) The holder of an on-site caterer's license shall retain his or her individual sales slips and maintain for 2 years a complete and accurate account of business, separated in such manner that the commission upon audit shall be able to determine the total amount of sales of food as compared to the sales of beverage, liquor, and incidentals.

(b) Such license holder shall retain for 2 years purchase orders, sales slips, and register tapes. The cash register shall be of a type capable of registering sales of liquor and beverage separately from those of food.

PART Liq 508 AGENCY STORES

Liq 508.01 Purpose. The purpose of this part is to set forth the process for the selection of agents and operational requirements for agency liquor stores as provided for in RSA 177:9-16 in municipalities where there is no state store and where the voters of the municipality in which the agency liquor store will be located have voted to allow the sale of liquor in state stores under RSA 175:7.

Liq 508.02 Definitions.

(a) "Agency store" means a liquor outlet not owned or operated by the commission but licensed by the commission for the purpose of selling packaged liquor to the general public for off-premises consumption and operated in conjunction with another business.

(b) "Agent" means the individual, partnership, association, corporation, or limited liability company licensed as an agency store.

(c) "Business plan of operation" means a full detailed plan for the operation of the agency store for the term of the license, including but not limited to the hours of operation, staffing, inventory, merchandise to be carried, markup or pricing policy, a plan of the liquor sales and display area, and advertising or merchandising plans.

(d) "Municipality" means city or town.

(e) "Operational financial stability" means the financial capability to allocate funds efficiently and absorb financial shocks as they arise, thus preventing disruption to the state's control of liquor.

(f) "Special seasonal agency store" means an agency store licensed for only 6 months.

(g) "Surrounding relevant market" means the geographic area that is reasonably intended to be served by the agency liquor store.

Liq 508.03 General Conditions.

(a) The agent shall be responsible for:

- (1) Providing a building or sales space;
- (2) Paying all utilities and rent;
- (3) Supplying all fixtures; and
- (4) Paying any and all expenses incidental to the operation of the agency store.

(b) The commission shall determine the municipalities in which agency stores may legally be established, with consideration to the following:

- (1) Effect on the economy;
- (2) Availability of liquor; and
- (3) Customers within the surrounding relevant market.

(c) The commission shall only establish agency stores:

- (1) In a municipality which has voted in favor of the operation of state liquor stores under RSA 175:7;
- (2) Has no state liquor store; and
- (3) The proposed location is not within 10 road miles of an existing commission liquor store or agency store.

(d) No agency store license shall be automatically renewed pursuant to Liq 508.18(a). The commission shall review all license requests for renewal, and shall not renew any license unless the licensee meets all of the current requirements for the license pursuant to this Chapter.

(e) In the case of non-renewal of an agency store license, the commission shall have no obligation, financial or otherwise, to the agent.

(f) In the case that the commission shall decide not to renew an agency store license, either to award said license to another agent or to discontinue agency operations in the municipality, the commission shall notify the agency store operator at least 30 days prior to his or her license expiration.

Liq 508.04 Special Seasonal Agency Stores.

(a) The commission shall choose municipalities in which to issue 6-month special seasonal agency store license based on seasonal tourist population and the sales volume at existing state and agency liquor stores in the same areas.

(b) The commission shall apply the same selection criteria and method of advertising for and selecting seasonal agency stores as for regular agency stores.

(c) The commission shall not buy back any stock remaining at the end of the seasonal license period.

(d) Seasonal license applicants shall include plans for off season storage of liquor in their proposed business plan of operation.

Liq 508.05 Agency Store Discounts/Compensation.

(a) All agency stores shall receive a purchase discount allowance of 8% from commission retail prices. The discount allowance from the commission retail prices shall equally apply to all agency stores.

(b) No other compensation shall accrue.

Liq 508.06 Status of Agents and Employees.

(a) Agents and their employees shall not:

- (1) Be considered commission employees; or
- (2) Be entitled to any benefits of employment from the state of New Hampshire.

(b) The agent shall hold harmless and indemnify the state of New Hampshire for any actions brought against the agent as a result of negligent or intentional conduct.

(c) All agency store personnel shall meet the requirements of RSA 179:23.

Liq 508.07 Days and Hours of Operation.

(a) Agency stores shall be considered off-premises licensees for the purposes of maximum operating hours.

(b) Agency stores and seasonal agency stores shall be open to the public as specified in their business plan of operation, but not less than 40 hours per week.

Liq 508.08 Temporary Closures.

(a) Any agency store that plans to be closed or not operate during the scheduled hours in their accepted business plan of operation shall send written notice to the commission at least 7 business days in advance of the closing or change in scheduled hours of operation.

(b) The notice shall state the reason for the closure or change of hours of the agency store, the date of closing or schedule change, and the date of the intended reopening.

(c) In an emergency, written notice including a full explanation shall be filed as soon as possible.

(d) Failure to notify the commission shall result in administrative action by the commission whereby the commission shall consider suspension or revocation of the agency store license.

Liq 508.09 Advertising and Promotion. Agency stores shall be subject to the same restrictions on advertising and promotion that apply to off-premises combination licenses and retail wine licenses found in RSA 179.

Liq 508.10 Sales Restrictions. The retail off-premises provisions of RSA 179 shall apply to agency stores.

Liq 508.11 Prices.

(a) The agent shall adhere to its business plan of operation including the approved pricing policy.

(b) The pricing policy shall only be modified with the written permission of the commission if the modification does not negatively affect the profit of the commission.

(c) All spirits sold by the agency store shall be priced the same as or higher than as sold in state liquor stores.

(d) The agent may use a depletion or special purchase allowance that is being offered at a state liquor store.

(e) There shall be no ceiling limitation as to pricing by the agency store.

(f) Agency stores may discount de-listed products at the same levels as in state liquor stores.

Liq 508.12 Inventory.

(a) The agency store may carry in its inventory any size and code which is listed in the general commission price list.

(b) Agency stores shall carry an inventory as detailed in the business plan of operation accepted by the commission.

Liq 508.13 Purchasing of Liquor.

(a) Merchandise shall be purchased directly from the commission in a manner agreed to prior to licensing.

(b) No returns other than wrong or defective merchandise shall be allowed.

Liq 508.14 Store Operations. The agent or his or her designee shall manage and operate the store according to the terms of the business plan of operation accepted by the commission.

Liq 508.15 Storage Facilities; Premises. The agent shall, at the agent's expense, provide premises that contain sufficient selling area and protective storage space for the store operation as detailed in the agent's business plan of operation accepted by the commission.

Liq 508.16 Agent Selection Procedure.

(a) When the commission determines a surrounding relevant market meets the requirements of RSA 177:11 it shall seek applications from the public in the following manner:

- (1) The commission shall advertise the availability of an agency store license in a particular municipality and the boundaries of the surrounding relevant market within which such agency store shall be located on the commission website, and in a newspaper in the county where the agency store is to be located;
 - (2) The commission shall notify by certified mail the governing body of the particular municipality where the agency store is to be established;
 - (3) The commission shall notify by certified mail the governing body of any municipality in the surrounding relevant market that the agency store is intended to serve; and
 - (4) The commission shall request of the governing bodies identified in (2) and (3) that notice be posted at the town hall or other appropriate locations.
- (b) The advertisement and notice shall include:
- (1) General selection criteria and procedures for selection and appointing a retail sales agent as required by RSA 177, Liq 508.16, and Liq 508.17;
 - (2) Deadline for receiving applications; and
 - (3) How to obtain additional information.

(c) The commission, once in receipt of all applications for an agent, shall notify the governing body of the particular municipality and the governing bodies of all municipalities within the surrounding relevant market of the proposed location of each applicant.

(d) Processing of the proposed applications shall be suspended for 30 days, to allow municipalities and interested individuals to submit written comments to the commission on the proposed location of a new agency store.

(e) The commission shall hold a public hearing consistent with RSA 177:11, IV(d) and RSA 541-A when:

(1) The commission receives a written request for such hearing from the governing body of the particular municipality or the governing body of any municipality located in the surrounding relevant market provided:

a. The request was made within 14 days of the original public notice requesting applications for an agency store license; and

b. The commission shall hold the public hearing within 45 days of the close of the public comment period in the municipality in which the agency store may be located.

(f) The commission shall evaluate all applications and select the applicant which, in its judgment:

(1) Provides the greatest revenue to the state, and

(2) Provides the best service to the public, considering the following factors:

a. Price;

b. Selection;

c. Hours of operation;

d. Location; and

e. Sales area and layout.

(g) The commission shall select an agency store using the selection criteria and requirements of RSA 177:11, RSA 177:16, Liq 508.16, and Liq 508.17.

(h) The commission shall provide written notice to all applicants, the governing body of the particular municipality and the governing body of municipalities in the surrounding relevant market of the selected applicant or applicants.

(i) Any applicant aggrieved by a decision made by the commission may appeal the decision in accordance with RSA 541-A and Liq 200.

Liq 508.17 Agent Selection Criteria.

(a) An agent applicant shall:

- (1) Submit a business plan of operation detailing how the proposed agency store would operate during the term of the license; and
 - (2) Submit documentation demonstrating that the applicant meets the requirements of RSA 177:16.
- (b) The agency store shall be operated as an adjunct to a business that holds a combination license under RSA 178:18.
- (c) The adjunct business shall have operational financial stability based solely on non-alcohol sales.
- (d) Other agent applicant selection criteria shall include:
- (1) Retail business experience at the current location;
 - (2) Retail experience at other locations;
 - (3) Whether the agent applicant, or his or her designated manager, has:
 - a. A record of felony conviction;
 - b. Conviction of crime relating to money management fraud;
 - c. A history of conviction of crimes relating to the abuse of alcohol or controlled substances;
 - d. A history of violations of the provisions of RSA 179 at the proposed location or at other licensed locations; or
 - e. Proof that the applicant, if convicted of a felony, meets the requirements of RSA 178:4 for exception;
 - (4) Financial ability to purchase or lease and equip the agency store at a commission approved location; and
 - (5) Ability to provide the necessary funds to meet the operating expenses of the agency store.
- (e) All agency store applicants selected by the commission shall apply for an agency store license as required by Liq 700.

Liq 508.18 Annual Agency Store License Renewal Review.

- (a) The commission shall not automatically renew agency store licenses.
- (b) Agency store operators shall file with the commission revised business plans of operation if there are any changes to the existing plans on file. Such changes shall be filed 2 months prior to license expiration or application for license renewal, whichever is greater.
- (c) The commission shall not renew agency store licensees who do not adhere to their accepted business plan of operations and any commission approved changes to it.

Liq 508.19 Sales Agent Vacancy. The commission shall discontinue or seek sales agent applications for an agency store location that has a sales agent vacancy.

Liq 508.20 Prohibitions. No sales agent, partner of a sales agent or officer or director of a sales agent shall be employed by a business that is licensed as a vendor, manufacturer, broker, importer, warehouse, representative, or distributor of liquor or beverages.

PART Liq 509 GOLF FACILITY

Liq 509.01 Beverage Sales From Mobile Service Carts on Golf Fairways.

(a) Golf facility licensees may apply to provide service of beverage to patrons on the fairways from mobile service carts provided a service plan as defined in Liq 404.05 (e) has been submitted.

(b) A "mobile service cart" for the purposes of this part means any golf cart or other similar vehicle, staffed by a person meeting the requirements of RSA 179:23, IV and outfitted for storage, cooling or refrigeration, sale and service of beverage in cans or bottles.

(c) No golf facility licensee shall sell or otherwise provide alcoholic beverage or liquor to patrons on any portion of the golf course without prior approval by the commission.

(d) Licensees holding a golf facility license may petition the commission by completing and submitting Form L-076 "Authorization for Other Areas" (revised 09/2022), along with any additional required documentation, to be approved for beverage sales and service from one or more mobile service carts on the golf course.

(e) Businesses served by a waste disposal system, as defined by RSA 485-A:2, XI, shall obtain approval from the department of environmental services for any expansion under this section, unless the total number of seats remains the same or is reduced. Businesses that are on municipal sewer may expand seating as permitted by the municipality.

(f) The commission shall only grant permission to golf facility licensees for mobile service carts under the following conditions:

- (1) All individuals selling, serving, or dispensing beverage from mobile service carts shall meet the requirements of RSA 179:23, IV;
- (2) All beverage and liquor possessed and consumed on the premises shall be that sold by the licensee;
- (3) A sufficient number of employees shall be deployed to adequately control and insure adherence to all statutes and rules for the serving, sale, and consumption of beverage on the golf course;
- (4) No service or consumption of any alcoholic beverage shall be allowed in parking lots, except in areas approved for service of liquor and beverage pursuant to RSA 178:24 and Liq 404.05; and
- (5) No licensee or their employees shall allow patrons to leave the premises with liquor or beverage.

(g) The commission shall only suspend or revoke a licensee’s mobile service cart privilege in addition to any other administrative penalty imposed by the commission for a violation of statute or rule which stems from service or sale of beverage from mobile service carts on the fairways without suspending or revoking the golf club’s liquor license.

Readopt with amendment Liq 510.01-510.07, effective 12-10-14 (Doc. # 10742), to read as follows:

PART Liq 510 ALCOHOL CONSULTANT

Liq 510.01 Definitions. “Private residence” means a structure serving as a dwelling or home, in which a person(s) lives or resides but does not include any locations licensed by the commission.

Liq 510.02 Notifications.

(a) Alcohol consultant licensees shall complete and submit to the commission in writing, at least 5 business days before the date of any scheduled event, Form L-074 “Notification of Educational Event” (revised 09/2022) and certify to the following:

“I declare that I am the owner of the above described property and that I am at least twenty-one years of age. Furthermore, I grant permission for the applicant to hold an alcohol educational event on my property. I have received and reviewed a copy of RSA 178:5 and understand that allowing a minor or intoxicated person to possess/consume alcoholic beverages is a criminal offense punishable by a fine of up to \$2,000 and one year in jail”.

(b) Alcohol consultants shall file with the commission in writing within 10 days following the scheduled event the information required by Form L-074a “Educational Event Report“ (revised 09/2022);

(c) Alcohol consultants shall maintain records for at least 3 years and these records shall be available for inspection at all times.

Liq 510.03 Liquor/Wine and Beverages Purchases, Restrictions.

(a) All liquor or wine used for an alcohol educational event shall be purchased under the alcohol consultant license from the commission or from a licensed in-state manufacturer.

(b) All beer or beverage used for an alcohol educational event shall be purchased under the alcohol consultant license from a licensed New Hampshire wholesale distributor.

(c) Any beer, liquor, or wine not available in New Hampshire may be obtained from a direct shipper who holds a valid direct shipper permit.

(d) Unused beverage, liquor, and wine shall be removed from the private residence at the end of the event.

Liq 510.04 Age Verification.

(a) Alcohol consultant licensees shall verify that all individuals attending an educational event are 21 years of age or over.

(b) Attendees shall provide one of the acceptable forms of identifications listed in RSA 179:8 to show that such person is 21 years of age or over.

Liq 510.05 Sale Restrictions.

(a) No alcohol consultant licensee shall provide alcoholic beverages for sale during an educational event.

(b) Alcohol consultants may solicit orders for the sale of alcoholic beverages tasted during an educational event.

Liq 510.06 Serving Sizes, Restrictions.

(a) Servings at an educational event shall not exceed ½ ounce of liquor or fortified wine, 2 ounces of any table wine, and 4 ounces of any beer for each brand sampled.

(b) Alcohol consultant licensees may provide for samples up to 6 – 750ml bottles of wine or liquor or 12 – 22 ounce bottles of beer or equivalent at each educational event.

(c) Alcohol consultants shall pour and serve all samples to the attendees of the educational event.

(d) Hours of such educational events shall be during the hours of 6:00 a.m. to 1:00 a.m. 7 days a week.

(e) No beer, liquor, or wine shall be consumed after these hours;

(f) No alcohol consultant shall sell alcoholic beverages during an educational event.

(g) No liquor, wine, or beer shall be served during an educational event except for the liquor, wine, or beer served by the alcohol consultant.

Liq 510.07 Advertising. No advertising for an educational event at a private residence shall be permitted. Such events shall be by private invitation only.

Adopt Liq 511 to read as follows:

PART Liq 511 CIGAR BARS

Liq 511.01 Account of Business.

(a) A cigar bar licensee shall file and preserve his or her individual sales slips, cash register tapes, and maintain a complete and accurate account of business, separated in such manner that the commission upon audit shall be able to determine the total amount of cigar sales and cigar related items compared to the sales of beverage, liquor and other non-cigar related items;

(b) The licensee shall maintain purchase invoices;

(c) All sales shall be recorded on a cash register, which separates sales of liquor and beverage from sales of cigars; and

(d) The cigar bar shall make available records to the commission at the time of an audit.

Liq 511.02 Sale of Food. A cigar bar licensee shall not sell food on the premises.

Liq 511.03 Cigar and Cigar Related Items.

- (a) For the purposes of this part, “cigar” means a tobacco product wrapped in a tobacco leaf.
- (b) Cigar related items shall include but not be limited to lighters, cutters, ashtrays, and humidors.
- (c) The sale of hookahs, pipe tobacco, or cigarettes, shall not be included in the sale of cigars per Liq 706.36 (h).

Liq 511.04 Cigar Bars Certification of Cigar and Alcohol Sales.

- (a) A cigar bar licensee shall file with the commission the information required by the Form A-008 “Cigar Bar - Quarterly Report” (revised 09/2022), covering cigars, cigar related items, and beverages and liquor sales made by the licensee during the previous quarter by the 15th of the following month;
- (b) Each calendar year shall be divided as follows:
 - (1) First quarter from January through March;
 - (2) Second quarter from April through June;
 - (3) Third quarter from July through September; and
 - (4) Fourth quarter from October through December.

APPENDIX

RULE	STATUTE
Liq 501.01-501.08	RSA 178:22, V(h)
Liq 501.09	RSA 179:19, VI
Liq 501.10-501.14	RSA 178:22, V(h)
Liq 501.15	RSA 178: 25
Liq 502	RSA 178:21, II(b) and RSA 178:22, V(k)
Liq 503	RSA 178:20 and RSA 178:21, II
Liq 505	RSA 178:22, V(l)
Liq 506.01-506.07	RSA 178:16 and RSA 178:26
Liq 506.08-506.09	RSA 179:33
Liq 506:10	RSA 178:16 and RSA 178:26
Liq 506:11 (RESERVED)	
Liq 506:12-506:13	RSA 179:33
Liq 506:14 (RESERVED)	
Liq 506.15	RSA 178:12 and RSA 178:12-b
Liq 506.16	RSA 178:12, V; RSA 178:15, VII; RSA 178:12-a, I and VIII; RSA 178:6, VI; RSA 178:7, VI; RSA 178:8, IV; RSA 178:30, V; RSA 178:26; RSA 179:14; RSA 179:35
Liq 506.17	RSA 178:12, V; RSA 178:13, IV; RSA 178:12-a, I and VIII; RSA 178:12-b, III; RSA 178:6, VI; RSA 178:7, VI; RSA 12-b, VI; RSA 178:8, IV
Liq 506.18	RSA 178:12, V; RSA 178:15, VII; RSA 178:13, IV; RSA 178:12-a, I and VIII; RSA 178:6, VI; RSA 178:7, VI; RSA 178:8, IV; RSA 178:30, V; RSA 178:26; RSA 179:14; RSA 179:35
Liq 506.19	RSA 176:14, VIII (b);
Liq 506.20	RSA 178:12, V and X; RSA 178:15, II; RSA 178:16.
Liq 506.21	RSA 178:8, IV; RSA 178:12-a
Liq 506.22	RSA 175:22; RSA 176:14; RSA 179:16
Liq 507	RSA 178:22, V(e)
Liq 508	RSA 177:9-16
Liq 509	RSA 178:22, V(v)
Liq 510	RSA 176:14 and RSA 178:27-a
Liq 511	RSA 178:20-a