

**NEW HAMPSHIRE LIQUOR COMMISSION**  
**REQUEST FOR APPLICATIONS (RFA) FOR AGENCY LIQUOR STORE**  
**SALES AGENT**

**ERROL, NEW HAMPSHIRE**

**RFA 2023-01-ERROL**

**July 6, 2023**

**Issued by:**



**New Hampshire**  
**Liquor Commission**  
**50 Storrs Street**  
**Concord, NH 03301**

**TABLE OF CONTENTS**

**TABLE 1: SCHEDULE.....3**

**PART 1 – GENERAL INFORMATION FOR APPLICANTS .....4**

    1. OVERVIEW .....4

    2. ISSUING OFFICER .....4

    3. SCOPE.....4

    4. EXECUTIVE SUMMARY .....5

**PART II – RFA TERMS AND INSTRUCTIONS .....8**

    1. RFA INQUIRIES AND RESPONSES.....8

    2. AMENDMENT TO THE RFA.....8

    3. APPLICATION FORMAT .....8

    4. APPLICATIONS AND SELECTION.....8

    5. APPLICATION SUBMISSION .....9

    6. NON-COLLUSION.....9

    7. PROPERTY OF THE NHLC .....10

    8. PUBLIC DISCLOSURE .....10

    9. NON COMMITMENT .....11

    10. APPLICATION PREPARATION COST .....11

    11. ETHICAL REQUIREMENTS .....11

    12. REHEARING AND APPEAL.....11

    13. RESTRICTION OF CONTACT WITH NHLC EMPLOYEES.....11

    14. VALIDITY OF APPLICATION .....12

    15. APPLICATION CONFIDENTIALITY .....12

**PART III – INFORMATION REQUIRED FROM APPLICANTS .....13**

    1. TECHNICAL BUSINESS SUBMISSION.....13

    2. FINANCIAL STABILITY SUBMISSION .....17

**PART IV – CRITERIA FOR SELECTION.....19**

    1. CRITERIA AND SCORING TABLE .....19

    2. EVALUATION PROCESS .....19

**APPENDICES**

**APPENDIX A - RSA CHAPTER 177, LIQ 508 *et seq.*, LIQ 700 *et seq.*.....23**

**APPENDIX B - STATE LIQUOR & WINE OUTLETS / AGENCY STORE LOCATIONS...66**

**TABLE 1: SCHEDULE**

The table below provides the Schedule for this Request for Applications (“RFA”) process. The Schedule is subject to change at the discretion of the New Hampshire Liquor Commission (“NHLC”). The NHLC will post any changes online at [https://www.nh.gov/liquor/public\\_notices.shtml](https://www.nh.gov/liquor/public_notices.shtml)  
**Applicants are responsible for monitoring the website for any schedule changes.**

<u>Events</u>	<u>Responsibility</u>	<u>Date</u>
Request for Applications Issued	NHLC	Thursday, July 6, 2023
Deadline to Submit Inquiries By Electronic Mail to NHLC Issuing Officer	Potential Applicants	Friday, July 21, 2023 by 2:00 p.m.
Anticipated Date of Response to Inquiries	NHLC	Friday, July 28, 2023 by 2:00 p.m.
Deadline for Submission of Applications	Applicants	Friday, August 18, 2023 by 2:00 p.m.

## PART I - GENERAL INFORMATION FOR APPLICANTS

### 1. OVERVIEW

Through this RFA process, the NHLC seeks, pursuant to Liq 508 *et seq.*, to identify one eligible agency liquor store sales agent applicant that will subsequently complete the agency liquor store licensure procedure set forth in Liq 700 *et seq.* and operate an agency liquor store in Errol, New Hampshire.<sup>1</sup>

An agency liquor store is a liquor outlet that is not owned or operated by the NHLC, but rather, is licensed by the NHLC for the purpose of selling packaged liquor for off-premises consumption.

Agency liquor store licensees must operate the agency liquor store as an adjunct component to a business that holds a combination license under RSA 178:18—*i.e.* a license that authorizes the sale of fortified wine, table wine, beverages, and specialty beverages for consumption off of the premises. In addition to holding the combination license, the adjunct business must demonstrate operational financial stability based solely on its non-alcohol sales.

Therefore, applicants responding to this RFA must: A) currently operate a business in Errol, New Hampshire that holds a combination license; or B) submit a business plan of operations that sets forth a detailed proposal for, and demonstrates the applicant's capacity to initiate and then successfully operate, an adjunct business that both holds a combination license and is financially viable exclusive of alcohol sales.

### 2. ISSUING OFFICER

The Issuing Officer responsible for overseeing this RFA, and the sole point of contact is:

Janet M. Donnelly, Paralegal II  
NH Liquor Commission  
50 Storrs Street  
Concord, NH, 03301  
(email: [janet.donnelly@liquor.nh.gov](mailto:janet.donnelly@liquor.nh.gov))

### 3. SCOPE

This RFA contains instructions governing the required content of submissions, selection criteria, requirements that an applicant must satisfy to be eligible for consideration, and other process and application requirements.

---

<sup>1</sup> Pertinent state laws and NHLC administrative rules, including Liq 508 and 700 *et seq.*, are included as **Appendix A** to this RFA. The NHLC is providing copies of these laws and rules to assist potential applicants in accessing core information on agency stores. The information is not intended to constitute an exhaustive list of all laws and rules that may be relevant to a particular applicant's proposal.

## 4. EXECUTIVE SUMMARY

### A. Agency Liquor Store – Errol, New Hampshire

The NHLC does not operate a state-owned liquor and wine outlet in Errol or in any of the municipalities immediately bordering it. RSA 177:9 provides that the NHLC “may license persons to operate agency liquor stores on an annual or seasonal basis for the purposes of selling liquor in sealed bottles, containers or original packages to be consumed off the premises.” The NHLC has determined that Errol, New Hampshire is a suitable location for an agency liquor store based on multiple considerations, including the availability of liquor in this segment of the state, customers in the surrounding area—including both year-round and seasonal residents and visitors—and the effect on the economy of Errol. RSA 177:11, III-a.

In accordance with Liq 508.03, the selected agency liquor store sales agent, in addition to being wholly responsible for the purchase of product and operation of the agency liquor store and adjunct business, will be also 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.

The agency liquor store sales agent must purchase its merchandise directly from the NHLC. Liq 508.13(a). The NHLC will offer the sales agent a purchasing discount allowance of 8% from NHLC retail prices. No other compensation shall accrue. Liq 508.05. Consistent with Liq 508.11, all spirits sold by the agency liquor store shall be priced the same as or higher than as sold in state liquor stores.

The selected agency liquor store sales agent must follow and comply with all the applicable laws and administrative rules, including, but not limited to, Liq 508, 700 and RSA 177, 179.

### B. The Agency Liquor Store Sales Agent Selection Process

In selecting an agency liquor store sales agent, the NHLC must adhere to the procedural and notice-based requirements set forth in RSA 177:11, IV and the NHLC’s rules, Liq 508.01 *et seq.* Through these processes, the NHLC must request and evaluate applications for an agency liquor store sales agent. The “agent” or “sales agent” is “the individual, partnership, association, corporation, or limited liability company licensed as an agency store.” Liq 508.02(b).

The business identified by the NHLC through this RFA process as the most suitable applicant must subsequently obtain an off-premises license to operate an agency liquor store by completing the formal licensure process with the NHLC’s Division of Licensing and Enforcement. **Actual licensure is dependent on successful completion of the Liq 700 license-application process, which will follow this RFA process.** See Liq 508.17(e).

Through an applicant's response to this RFA, the required contents of which are set forth in detail in Part III below, the NHLC will evaluate the extent to which each applicant demonstrates that it:

- (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.

Liq 508.16(f).

Applicants must demonstrate the ability to maintain proper controls of alcohol product to provide a safe and secure premises and ensure lawful alcohol sales. Liq 508.09; 508.10; 508.15.

As set forth in detail in Part III of this RFA, applicants shall:

- (1) Submit a business plan of operations 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.

Liq 508.17(a), (1-2).

Through these submissions, the applicant must establish that:

- (1) It will operate the agency store as an adjunct to a business that holds a combination license;
- (2) The adjunct business will have operational financial stability based solely on non-alcohol sales; and
- (3) It possesses the financial ability to purchase or lease and equip the retail liquor store and provide the necessary funds to meet the operating expenses of the agency liquor store.

Liq 508.17(b), (c), (d)(4-5).

In addition to the factors listed in Liq 508.16, the NHLC will evaluate applicants based on the business and relevant administrators' retail business experience at the location proposed or other locations, including the applicants' history of violations of the provisions of RSA 179 at the proposed location or at any other location. Liq 508.17(d)(1-3).

Through this RFA process, the NHLC will obtain from each applicant the information needed to evaluate the applicants, their proposed location, business plans of operation, and other factors

that are related to the criteria set forth above. Applicants are responsible for providing the NHLC with sufficiently detailed and accurate information to enable the NHLC to perform its evaluation and selection process.

**C. Minimum Qualifications:**

The NHLC shall evaluate applicants in accordance with the criteria set forth in Part IV below. However, the NHLC may disqualify applicants if it appears that the applicant cannot satisfy the following minimum qualifications:

1. The agency store shall be operated as an adjunct to a business that holds a combination license under RSA 178:18. Liq 508.17(b);
2. The adjunct business shall have operational financial stability based solely on non-alcohol sales;
3. Location:
  - a. Must be located in Errol, NH;
  - b. Shall not be within 10 road miles of an existing state liquor store or an existing agency liquor store;
4. The applicant demonstrates the financial ability to purchase or lease and equip the agency liquor store and meet operating expenses;
5. The requirements specified in RSA 177:16; and
6. The sales agent, partner of a sales agent or officer or director of a sales agent shall not be employed by a business that is licensed as a vendor, manufacturer, broker, importer, warehouse, representative, or distributor of liquor or beverages as prohibited by Liq 508.20.

## PART II - RFA TERMS AND INSTRUCTIONS

### 1. RFA INQUIRIES AND RESPONSES

Potential applicants shall send all inquiries concerning this RFA via email, with the subject line titled RFA 2023-01-Enrol Inquiry, to the Issuing Officer at [janet.donnelly@liquor.nh.gov](mailto:janet.donnelly@liquor.nh.gov). Potential applicants shall not contact the Issuing Officer or any other NHLC employee (either directly or indirectly) by phone with any inquiries. **All inquiries must be received by the RFA Issuing Officer no later than 2:00 p.m. on Friday, July 21, 2023.** Inquiries received after the Inquiry Period shall not be considered properly submitted, and the NHLC may exercise its discretion in determining whether to provide an answer.

The NHLC intends to issue responses to properly submitted inquiries on or before the date specified in the Schedule; however, this date is subject to change at the NHLC's discretion. The NHLC may consolidate or paraphrase inquiries for efficiency and clarity. The NHLC may amend this RFA on its own initiative or in response to issues raised by inquiries. The NHLC will post responses at: <https://www.nh.gov/liquor/agencyliquorstore.shtml>. Applicants are responsible for viewing the most up-to-date information online before submitting an application.

### 2. AMENDMENT TO THE RFA

The NHLC may amend this RFA at any time at its sole discretion. The NHLC will post any amendments on the NHLC's website at: <https://www.nh.gov/liquor/agencyliquorstore.shtml>. In the event that the NHLC deems it necessary to amend this RFA, the NHLC may extend deadlines and/or invite submission of additional information from applicants. Applicants are responsible for checking the website periodically for new information or amendments to the RFA. The NHLC shall not be bound by verbal or written information that is not contained within the RFA or formally issued as an amendment.

### 3. APPLICATION FORMAT

Applicants must submit a response to this RFA using the format specified in Part III below.

### 4. APPLICATIONS AND SELECTION

The applicant ultimately selected as a result of this RFA process will receive NHLC approval to initiate its application for an agency liquor store license pursuant to the NHLC's standard licensing procedure set forth in Liq 702. The applicant that is selected as part of the RFA process must demonstrate compliance with all pertinent requirements contained in RSA chapters 177, 178, and 179 as well as Liq 508. The issuance of an agency liquor store license is further conditioned upon the applicant receiving any necessary approvals from any applicable local zoning board, planning board, or other municipal body. The applicant will be solely responsible for obtaining such approvals.



After the license is issued, it shall be valid for a period of time in accordance with the calculation contained in Liq 703. Licensees may then seek annual renewal pursuant to the NHLC’s rules.

**5. APPLICATION SUBMISSION**

- A. Application Submission Deadline:** Applications must be submitted in hard copy and clearly marked “New Hampshire Liquor Commission, Application for Agency Store Sales Agent – Errol.” Applications must be received no later than the Deadline for Submission of Applications in Table 1: Schedule. Applicants must allow sufficient delivery time. The NHLC accepts no responsibility for mislabeled, damaged, or delayed mail. The NHLC will not accept applications via electronic mail or facsimile transmission. The receipt of an application by the State’s mail system does not qualify as receipt of an application by the Issuing Officer.

If the specified submission location is closed on the Deadline for Submission of Applications in Table 1: Schedule, the deadline shall be automatically extended until the next NHLC business day on which the office is open, unless otherwise noticed. The time for submission of applications shall remain the same. The NHLC shall reject applications that are not submitted by the Deadline for Submission of Applications in Table 1: Schedule or otherwise extended.

- B. Application Receipt:** The NHLC will deem an application received on the date and time of the NHLC’s receipt as officially documented by the NHLC.

- i. Application packages shall be delivered to the address below and identified on the envelope as:

New Hampshire Liquor Commission  
ATTN: Janet M. Donnelly – RFA 2023-01-ERROL  
50 Storrs Street  
Concord, NH 03301

From:       Company Name  
              Address of Applicant  
              Phone No. of Applicant  
              Fax No. of Applicant  
              Email Address of Applicant

- ii. Applicants are advised to carefully read and complete all information requested in this RFA. If an applicant’s response does not comply with the conditions for submittal to this RFA, **it may be rejected without further consideration.**

**6. NON-COLLUSION**

The signature on an application submitted in response to this RFA guarantees that the applicant developed its application without collusion with other applicants and without effort to preclude the NHLC from fairly identifying the best applicant.

## 7. PROPERTY OF THE NHLC

All material received in response to this RFA shall become the property of the State of New Hampshire and will not be returned to the applicant. Upon selection of the highest-scored applicant, the NHLC reserves the right to use any information presented in any application.

## 8. PUBLIC DISCLOSURE

The information submitted in response to this RFA (including all materials submitted in connection with it, such as attachments, exhibits, addenda, and presentations) may be subject to public disclosure under Right-to-Know law, including RSA 91-A. On the closing date for responses, the NHLC will post the number of responses received with no further information on the NHLC website.

The content of each application shall become public information upon the issuance of any resulting license. However, confidential, commercial, or financial information may be exempt from public disclosure under RSA 91-A:5, IV. If an applicant believes any information submitted in response to this request for application should be kept confidential, **the applicant must specifically identify that information where it appears in the submission in a manner that draws attention to the designation and must mark/stamp each page of the materials that the applicant claims must be exempt from disclosure as “CONFIDENTIAL.”** Applicants must also provide a letter to the Issuing Officer identifying the specific page number and section of the information the applicant considers to be confidential, commercial, or financial and providing the rationale for each designation. A designation by the applicant of information it believes exempt does not have the effect of making such information exempt. The NHLC will determine the information that it believes is properly exempted from disclosure. Marking the entire application or entire sections of the application as confidential will neither be accepted nor honored.

Notwithstanding an applicant’s designations, the NHLC is obligated under the Right-to-Know law to conduct an independent analysis of the confidentiality of the information submitted in an applicant. If a request is made to the NHLC to view or receive copies of any portion of an application, the NHLC shall first assess what information it is obligated to release. The NHLC will then notify the applicant that a request has been made, indicate what, if any, information the NHLC has assessed is confidential and will not be released, and specify the planned release date of the remaining portions of the application. To halt the release of information by the NHLC, an applicant must initiate and provide to the NHLC, prior to the date specified in the notice, a court action in the Superior Court of the State of New Hampshire, at its sole expense, seeking to enjoin the release of the requested information.

By submitting an application, applicants acknowledge and agree that:

- The NHLC may disclose any and all portions of the application or related materials which are not marked as confidential and/or which have not been specifically explained in the letter to the Issuing Officer;

- The NHLC is not obligated to comply with an applicant's designations regarding confidentiality and must conduct an independent analysis to assess the confidentiality of the information submitted in the application; and
- The NHLC may, unless otherwise prohibited by court order, release the information on the date specified in the notice described above without any liability to the applicant.

## **9. NON-COMMITMENT**

Notwithstanding any other provision of this RFA, this RFA does not commit the NHLC to select an applicant or issue an agency store license. The NHLC reserves the right, at its sole discretion, to reject any and all applications, or any portions thereof, at any time; to cancel this RFA; and to solicit applications under a new process.

## **10. APPLICATION PREPARATION COST**

By submitting an application, applicant agrees that in no event shall the NHLC be either responsible or liable for any costs incurred by an applicant in the preparation of or in connection with the application.

## **11. ETHICAL REQUIREMENTS**

From the time this RFA is published until an applicant is formally selected, no applicant shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFA, or similar submission. Any applicant that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any applicant that has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or that is subject to a pending criminal charge for such an offense, shall be disqualified from responding to the RFA, or similar request for submission and every such applicant shall be disqualified from responding to any RFA or similar request for submission issued by any state agency.

## **12. REHEARING AND APPEAL**

Pursuant to RSA 177:11, V, applicants seeking a review of the NHLC's decision may do so pursuant to the procedures set forth in RSA chapter 541.

## **13. RESTRICTION OF CONTACT WITH NHLC EMPLOYEES**

From the date of release of this RFA until an applicant is selected and announced, the Issuing Officer shall serve as the sole point of contact for this RFA. All communication regarding this RFA with NHLC employees or vendors under contract with the NHLC is forbidden unless first approved by the RFA Issuing Officer.

NHLC employees have been directed not to hold conferences or engage in discussions concerning this RFA with any potential applicant during the selection process, unless otherwise authorized by the RFA Issuing officer. The NHLC may disqualify applicants for violating this restriction on communications.

#### **14. VALIDITY OF APPLICATION**

Applications must be valid for one hundred and eighty (180) days following the Deadline for Submission of Applications in Table 1: Schedule, or until the issuance of an agency store license to the selected applicant, whichever is later, and can be further extended by mutual agreement.

#### **15. APPLICATION CONFIDENTIALITY**

Unless necessary for the approval of the application or the issuance of a license, the substance of the application must remain confidential until the issuance of any license resulting from this RFA. An applicant's disclosure or distribution of an application other than to the NHLC may be grounds for disqualification.

## PART III - INFORMATION REQUIRED FROM APPLICANTS

Applicants shall submit a detailed application that adheres to the content requirements provided below. To facilitate effective comparison of submissions, applicants shall organize their application using the headings set forth below in the order in which they appear.

### 1. TECHNICAL BUSINESS SUBMISSION

#### A. Organizational Overview

Provide a detailed overview of your business entity, its history, organizational structure, membership, parent or subsidiary relationships, significant assets held by the entity, including real property, etc. Include the following in your narrative response:

- Full legal company name;
- Year business started;
- Location of headquarters;
- Current number of individuals employed;
- Names, addresses, dates of birth, and resumes of all individuals that either hold an equity interest in the entity or will perform an administrative or managerial role in the agency liquor store and/or adjunct business, if selected; and any other supporting documents demonstrating that the applicant satisfies the requirements of RSA 177:16; and
- Licenses currently or previously held with the NHLC by the applicant, any involved individual, or any business that an involved individual owned, either in whole or in part, or held a management position with.

#### B. Applicant's Proposed Location and Business Plan of Operations

**i. Location.** Provide the address of the location of the proposed agency liquor store. Provide the results of any analyses of cost, population, or other factors used in selecting the location as well as a narrative explaining why your proposed location in Errol is advantageous in terms of sales volume and customer service, proximity to primary routes and other shopping options, tourism, as well as customer safety and ease of access to the property, including an attestation of compliance with the Americans with Disabilities Act with regard to parking and building ingress and egress. Also provide the distance in road miles from your proposed location to the nearest state-owned liquor and wine outlet and agency liquor store. A list of existing liquor and wine outlets and agency liquor stores is included as **Appendix B** to this RFA. **Note: pursuant to RSA 177:11, I(c) an agency liquor store may not be located within 10 road miles of an existing state liquor store or agency liquor store.**

**ii. Business Plan of Operations.** Provide detailed business plan for the operation of the store for the term of the license. Include in your narrative answer:

- a. The calendar days that the agency liquor store will be open for business as well as hours of operation, and a description of how those hours of operation satisfy the requirements set forth in RSA 179:17 and Liq 508.07.

b. A detailed description of the operational plan for the agency liquor store, including the applicant's operational structure and its plan to ensure efficient and responsible sales, quality customer service, product availability, reliable product audits and sales accountings, proficient product ordering and purchasing from the NHLC, and other operational factors presented by the applicant. With regard to the adjunct business that holds a combination license, the applicant shall provide a general overview of that business's plan of operation and indicate the types of products to be sold, the target customer groups, and an overview of the prior 24 months of actual sales data (or anticipated sales data if actual unavailable), and any other information indicating that the adjunct business shall have operational financial stability based solely on non-alcohol sales. Also include any other information and documentation that would assist the NHLC in understanding the business conducted (or to be conducted) by the applicant.

c. A detailed staffing plan for both the proposed agency liquor store and the adjunct business as well as a narrative explaining why the staffing plan proposed will result in excellent customer service to patrons, reliable days and hours of operation, ensure proper control of alcohol products, and promote general operational efficiency. Include in your narrative answer an explanation of how you intend to satisfy the employee requirements set forth in RSA 179:23.

d. A comprehensive description of the inventory and merchandise to be carried by the agency liquor store as well as precise details regarding the pricing policy and markup for alcohol products, including a narrative explaining how the pricing policy and markup chosen by the applicant appropriately balances the business's need for financial viability with customer service and satisfaction, and revenue generation. Also include in your response a narrative indicating that your business will comply with the advertising restrictions set forth in RSA 179:31. Include an analysis that indicates the actual or anticipated revenue (gross and net) as well as anticipated volumes of product purchased from the NHLC. The applicant's revenue analysis must contain data to substantiate the anticipated product volumes purchased from the NHLC. **See Liq 508.11, 12, 13.**

e. A detailed plan for the liquor sales and display area, including complete renderings, with dimensions, of the proposed layout and any product displays as well as customer amenities including restrooms. Include in your response a narrative indicating why the space provided and layout proposed offers sufficient selling area as well as an attestation that the layout provided complies with the Americans with Disabilities Act with regard to aisle width and other physical requirements. Also include documents or renderings that provide a general layout of the adjunct business and identify any areas from which a patron may cross from the adjunct business into the agency liquor store sales area. Additionally, provide a detailed description of how you will provide satisfactory protective storage space for alcoholic beverages as required by Liq 508.15. Include overview of the security measures that you intend to employ with regard to the

agency liquor store, the adjunct business, and the storage space that is specifically dedicated to alcohol-based products.

f. A detailed timeline for when the agency liquor store will be operational and open to the public. If the adjunct business is not currently in existence, or, through your proposal you are materially modifying the scope of the adjunct business, provide a timeline for when the adjunct business will be operational and open to the public. The timeline(s) must include associated milestones/benchmarks and individual timeframes for achieving them from the time of selection by the NHLC through opening.

**iii. Documentation.** In addition to the information requested above, provide the following documents as components of your business plan of operation:

- a. A certificate of good standing from the New Hampshire Secretary of State authorizing the applicant to do business in New Hampshire.
- b. A signed deed, lease, or rental agreement for the premises:
  - 1) In name of applicant; and
  - 2) Providing that the applicant has the right to occupy the premises and is in control of the premises;
- c. A copy of the business's bylaws, articles of incorporation, or other documentation that formally identifies ownership interests in the entity or articulates decision-making procedures for the business as a whole.
- d. A copy of the trade name registration with the New Hampshire Secretary of State;
- e. A copy of any prior license or trade name and prior license number; and
- f. Town or city approval/certificate of occupancy.

If the applicant claims that any of the documentation sought above is not required in order to conduct business as set forth in its business plan of operations, the applicant shall identify the documentation that it does not believe is required and provide a detailed explanation as to why such is the case.

### **C. Applicant's Experience and Capability**

**i. Narrative.** Submit an inclusive narrative explaining how your business's experience and capability will enable it to operate the proposed agency liquor store and adjunct business in a manner that provides the greatest revenue to the state and the best service to the public. Include in your narrative a description of how your business's past experience and/or that of your administrators and managers demonstrates that the applicant will operate proposed agency liquor store in an efficient, secure, and profitable manner. Include details regarding your business's experience at the proposed location, if any, as well as other locations/businesses. If the business is a prior licensee, or if any involved individual held a license with the NHLC or was involved in another business holding a

license with the NHLC, identify that licensee and explain how that experience will impact the operation of the applicant business. **Note: Pursuant to Liq 508:20, 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.**

**ii. Documentation.** In addition to the above, applicants shall provide the following documents:

- a. Current organizational chart that includes position descriptions and anticipated numbers of employees;
- b. Resumes and any additional information regarding each individual that is named on the organizational chart that reflects their relevant business experience, education, training, etc.;
- c. A description of any liens or judgments against the applicant and/or applicant's business; and
- d. A description of any past or pending legal or enforcement actions against:
  - 1) The applicant;
  - 2) The applicant's business;
  - 3) Any business in which an individual with an equity interest in the applicant business also held an equity interest;
  - 4) Any business in which an individual designated to perform an administrative or managerial role with the applicant business also managed or held an equity interest;
  - 5) Any individual with an equity interest in the applicant business or who will serve in a managerial or administrative role within the business applicant or in the operation of either the agency liquor store or the adjunct business; and

Include the name of the business subject to the legal action as well as the individual that is part of the applicant business that was a party to the legal action. This inquiry shall include subsidiaries, parents, and affiliated entities. The NHLC shall disqualify an applicant if the legal action disclosure renders the applicant statutorily ineligible to operate an agency liquor store. RSA 178:3

For purposes of this inquiry, legal or enforcement actions include administrative, civil, or criminal actions in New Hampshire or in any other state or country. Include the name and jurisdiction of the court or administrative body, including licensing bodies, where the action was filed and the status of the action, including any penalty, resolution, or other action taken by the tribunal at issue or agreed upon by the parties.

As to legal actions against individuals, you must disclose any felony convictions. You must also include convictions at any level (*e.g.* misdemeanor or violation) that relate to the use or abuse of alcohol or controlled substances or money management fraud.



## 2. FINANCIAL STABILITY SUBMISSION

### A. Access to Capital Table

Applicant shall provide, in the form of a spreadsheet or table, an itemization of all capital in its control, or available to it, as of the date that it submits the application. The itemization should clearly note all sources of capital—*e.g.*, bank accounts, lines of credit, letters of credit or the equivalent. The itemization shall also clearly indicate, as separate line items:

- i. The total amount of cash-on-hand; and
- ii. The total amount of credit secured by, and presently available to, the applicant.

### B. Supporting Documentation

Applicants shall provide the documentation specified below in order to substantiate the available capital that it references in its itemized submission made pursuant to Section A, above. The documentation shall confirm the availability of sufficient capital to initiate and maintain operations of the agency liquor store as well as to sustain general business operations and demonstrate overall financial stability and capability.

- i. Each applicant must submit audited financial statements for the three (3) most recently completed fiscal years.
  - a. Complete financial statements must include the following:
    - 1) Opinion of Certified Public Accountant;
    - 2) Balance Sheet;
    - 3) Income Statement;
    - 4) Statement of Cash Flow;
    - 5) Complete Financial Notes; and
    - 6) Consolidating and Supplemental Financial Schedules.
  - b. If an applicant does not possess a certification of audit of its financial statements, the applicant shall submit the following: Uncertified financial statements that contain the information identified above; and a certificate of authenticity that attests that the financial statements are correct in all material respects and is signed by an officer of the corporation, partner, or owner under penalty of unsworn falsification.
  - c. If an applicant does not have three years of financial statements as described above, the applicant shall submit audited financial statements for each year available, as well as the following:
    - 1) Statement of Financial Condition, *i.e.*, a financial statement, accompanied by appropriate disclosures that describe the basis of accounting used in preparation and presentation as of a specified date, of the entity's assets, liabilities and the equity of its owners, also known as a balance sheet;
    - 2) Letter(s) of Credit;

- 3) Record of source of any funds that will be used to initiate and maintain the business, including the name, address, and date-of-birth of any person who provided funds of more than \$5,000, and any conditions placed on such funds; and
  - 4) Any other documentation that demonstrates the financial viability of the applicant.
- ii. Each applicant must submit a financial statement from a credit company or bank providing a copy of the applicant's credit standing.
  - iii. The applicant shall submit a letter confirming there is no outstanding debt with the NHLC.
  - iv. A certificate of insurance.

### **C. Insufficient Capital**

The NHLC may disqualify an applicant from the RFA process, if, in its judgment, the applicant's Financial Stability Submission indicates insufficient capital for the initiation and/or maintenance of an agency liquor store in accordance with the business plan of operations submitted by the applicant, or if the capital amounts referenced are not adequately supported by the required documentation.

## PART IV - CRITERIA FOR SELECTION

### 1. CRITERIA AND SCORING TABLE

The table below provides a breakdown of the evaluation criteria and corresponding maximum points available for each criterion and sub-criteria.

CATEGORIES	POINTS	
<b>TECHNICAL BUSINESS SUBMISSION</b>	<b>70</b>	
<b>1. Organizational Overview</b>		<b>5</b>
<b>2. Proposed Location and Business Plan of Operations</b>		<b>50</b>
Location	5	
Days and Hours of Operation	5	
Operational Plan and Independent Financial Stability of Adjunct Business	15	
Staffing Plan	5	
Inventory, Merchandise, Pricing, and Revenue	10	
Sales Area and Layout	5	
Proposed Timeline	5	
<b>3. Experience and Capability</b>		<b>15</b>
Retail Business Experience (at current and/or other locations)	10	
Owner/Employee Qualifications	5	
<b>FINANCIAL STABILITY SUBMISSION</b>	<b>30</b>	
Financial Ability to Purchase or Lease and Equip the Agency Liquor Store (Cash on Hand)	15	
Ability to Provide Necessary Funds to Meet Operating Expenses (Available Capital)	15	
<b>TOTAL POTENTIAL POINTS</b>	<b>100</b>	

### 2. EVALUATION PROCESS

#### A. Evaluation Steps

The NHLC will use the following process:

- Initial screening to assess the applications' compliance with submission requirements;
- Evaluation of Technical Business Submission and scoring (consensus);
- Financial Stability scoring (formula); and
- Selection of the highest-scoring Applicant

## B. Initial Screening

The NHLC may reject an application that fails to satisfy minimum requirements.

## C. Evaluation Committee and Consensus Scoring

The NHLC will select an evaluation committee made up of NHLC staff. These individuals will review, evaluate, and score the Technical Business Submission on a consensus basis. Following each member's individual review of the applications, the evaluation committee will meet to discuss the information provided and develop consensus scores for each application. During consensus scoring sessions, a facilitator will direct the evaluation committee's attention to each of the above-referenced evaluation criteria to ensure detailed discussion of each component.

The evaluation committee will consider one application at a time, comparing the applicant's submission against the criteria set forth in the RFA. Consensus scoring sessions encourage open discussions and questions among members of the evaluation committee. Evaluators discuss the relative strengths and weaknesses of an application in each area. Open debate about applications helps ensure that nothing proposed by an applicant in response to an RFA requirement is overlooked.

## D. Formula Scoring

The NHLC will use a formula to score the Financial Stability Submission. The NHLC will independently apply the formula set forth below to both financial sub-criteria, *i.e.* cash-on-hand and available capital. The formula will result in point distributions through which the applicant with the greatest amount receives the 15 maximum points for that criterion, and the other applicants will receive a point value based on their proximity to the highest-scored applicant.

$$\text{Applicant's Score} = \left( \frac{\text{Most Available Capital}}{\text{Applicant's Available Capital}} \right) \times \text{Total Possible Points}$$

## E. Further Evaluation Details for the Technical Business Submission

- **Organizational Overview** (5 points) – Examines the information provided in response to Part III, Section 1(A) of this RFA and assesses the thoroughness of the response and evaluates the history and organizational structure of the applicant business.
- **Proposed Location and Business Plan of Operations** (50 points)
  - **Location (5 points)** – Examines the suitability of the location proposed by the applicant, including its proximity to primary routes and other shopping options, ease of access to the property, and other advantageous elements of the proposed location described by the applicant. The NHLC, as operator of numerous retail locations in this state, will exercise its judgment when determining advantageous and disadvantageous aspects of the proposed location.

- **Days and Hours of Operation (5 points)** – Examines the applicant’s proposed days and hours of operation as required by RFA Part III, Section 1(B)(ii)(a) to assess, in the NHLC’s judgment as a large-scale retailer of wine and spirits, the advantages and disadvantages of the proposed schedule. Also examines compliance with RSA 179:17 and Liq 508.07.
- **Operational Plan and Independent Financial Stability of Adjunct Business (15 points)** – Examines the applicant’s proposed operational structure as well as the independent financial stability of the adjunct business as requested in RFA Part III, Section 1(B)(ii)(b). The NHLC will exercise its judgment as a large-scale wine and spirits retailer to evaluate the pros and cons of each applicant’s operational structure and plan of operations. The NHLC will also assess the extent to which the applicant has demonstrated that it can support an adjunct business on non-alcohol sales.
- **Staffing Plan (5 points)** - Examines the applicant’s proposed staffing plan as required by RFA Part III, Section 1(B)(ii)(c) to assess, in the NHLC’s judgment as a large-scale retailer of wine and spirits, the advantages and disadvantages of the proposed plan with regard to customer service, proper control of product, and general operational efficiency. Also examines the staffing plan’s compliance with RSA 179:23.
- **Inventory, Merchandise, Pricing, and Revenue (10 points)** - Examines the applicant’s proposed plan for selecting its merchandise, maintaining its inventory, formulating its pricing, and generating revenue as required by RFA Part III, Section 1(B)(ii)(d). The NHLC will use its judgment as a large-scale retailer of wine and spirits to assess the advantages and disadvantages of the applicant’s submission.
- **Sales Area and Layout (5 points)** – Examines the applicant’s proposed sales area and store layout as required by RFA Part III, Section 1(B)(ii)(e). The NHLC will use its judgment as a large-scale retailer of wine and spirits to assess the overall adequacy of the proposed layout and display area as well as the advantages and disadvantages of the submission with regard to general efficiency, sales optimization, and customer service.
- **Proposed Timeline (5 points)** – Examines the applicant’s proposed timeline as required by RFA Part III, Section 1(B)(ii)(f). The NHLC will use its judgment as a large-scale retailer of wine and spirits to assess the adequacy of the timeline with regard to the NHLC’s desire to license an agency store in Errol that will generate revenue and provide excellent customer service. The NHLC, which opens, renovates, and/or relocates multiple retail locations each year, will also exercise its judgment as to the feasibility of the applicant’s proposed timeline.
- **Experience and Capability (15 Points)**
  - **Retail Business Experience (10 points)** - Examines the applicant’s retail business experience based upon the applicant’s submission in response RFA Part III, Section 1(C)(i) and (ii), including experience as an off-premise retailer licensed by the NHLC, if any. The NHLC will use its judgment as a large-scale retailer of wine and spirits products to assess the adequacy of the applicant’s experience and any advantages that that experience and qualifications provide in relation to operational efficiency, revenue generation, and customer service.

- **Owner/Employee Qualifications (5 points)** – Examines organizational chart provided by applicant and assesses the experience and qualifications of the individual members of the applicant’s team.

#### **F. Location Visits**

The NHLC reserves the right to schedule location visits with any or all applicants should it determine that the interview will assist the NHLC in evaluating applications.

#### **G. Interviews**

The NHLC reserves the right to schedule interviews with any or all applicants should it determine that the interview will assist the NHLC in evaluating applications.

#### **H. Rights of the NHLC in Accepting and Evaluating Applications**

The NHLC reserves the right to:

- i. Make independent investigations in evaluating applications and consider any source of information, including but not limited to State employees, previous customer experiences, internet research, and rating agencies;
- ii. Request additional information and/or documentation to clarify elements of any application;
- iii. Waive minor or immaterial deviations from the RFA requirements, if determined to be in the best interest of the State;
- iv. Omit any planned evaluation step if, in the NHLC’s view, the step is not needed;
- v. At its sole discretion, reject applications at any time; or
- vi. Cancel this RFA.

# **Appendix A**

RSA Chapter 177

Liq 508 *et seq.*

Liq 700 *et seq.*

# TITLE XIII

## ALCOHOLIC BEVERAGES

### CHAPTER 177

#### STATE LIQUOR STORES

##### Section 177:1

**177:1 State Stores.** – The commission may lease, purchase, and equip, in the name of the state, such stores, state-owned warehouses, supplies as defined in RSA 21-I:11, II(a), and other materials, goods, and services as are necessary for, incidental to, or related to the operation of the liquor commission retail and wholesale operations. The commission may lease, in the name of the state, space in state stores for the purpose of installing automated teller machines. No newly established state store shall be operated within 200 feet of any public or private school, church, chapel, or parish house.

**Source.** 1990, 255:1. 2009, 144:123. 2013, 157:3, eff. June 28, 2013. 2014, 327:54, eff. Aug. 2, 2014.

##### Section 177:1-a

**177:1-a Temporary State Stores.** – The commission may lease, rent, and equip, in the name of the state, stores or space in buildings such as airports or shopping malls and in large venues such as racetracks, temporary stores for the sale or promotion of liquor or related products as are necessary to carry out the provisions of this chapter, except that no such store shall be operated within 200 feet of any public or private school, church, chapel, or parish house. The liquor commission shall report quarterly to the fiscal committee of the general court on the status of temporary stores.

**Source.** 2011, 224:92, eff. July 1, 2011.

##### Section 177:2

###### **177:2 Closing of State Stores.** –

I. The commission may close any state liquor store to improve profitability and efficiency. In determining net operating profit or loss, the commission shall adhere to generally accepted accounting principles for both revenues and expenses and shall include an allocation for indirect costs. All information regarding a decision to close any state liquor store shall be made available, by the commission, to the public upon request. The commission shall provide public notice 30 days prior to closing any state liquor store. The commission shall submit a report of state liquor store closings to the fiscal committee of the general court when store closings occur.

II. In order to properly reflect the operating expenses of each state store, the commission shall prepare annually an indirect cost allocation plan for all indirect operating expenses of the



commission. All such expenses of the commission, with the exception of the enforcement and licensing division operating expenses, shall be included in the plan and allocated to all state stores on a consistent, rational basis. No later than 30 days following the closure of any state liquor store, the commission shall submit a revised indirect cost allocation plan to the fiscal committee of the general court and the governor and council for approval.

**Source.** 1990, 255:1. 1991, 349:2. 2009, 144:124. 2012, 247:22, eff. Aug. 17, 2012. 2015, 276:252, eff. July 1, 2015.

### **Section 177:3**

#### **177:3 Store Plan. –**

The state liquor commission shall develop and maintain a formal written store plan for its retail liquor stores. This plan shall establish goals and policies related to the number, size, and staffing patterns of state operated retail liquor stores to ensure the efficient and effective operation of the state store system. The plan shall be reviewed and revised as necessary and shall include, but not be limited to, policies related to:

- I. The operational definition of a marginal store, identification of such stores, and specific plans to consolidate or otherwise improve the profitability of such stores.
- II. The optimum size, location, and staffing pattern of stores to maximize their profitability. This shall include a plan to increase use of part-time employees to reduce store personnel costs and a formula for determining appropriate rental payments for leased stores.
- III. Plans for the expansion of the existing store system where such expansion is justified.

**Source.** 1990, 255:1, eff. July 1, 1990.

### **Section 177:4**

**177:4 Operation of State Stores; Salespersons. –** The commission may in its discretion operate stores for the sale of liquor in such cities and towns as shall have accepted the provisions hereof as hereinafter provided, and, subject to the rules of the director of personnel, and within the limits of available appropriations and funds, may employ salespersons to sell liquor in said stores. Any salesperson employed for any store shall have been a resident of the state for at least 6 months prior to such employment. The salaries of such salespersons shall not be governed by the amount of sales. No salesperson employed to sell liquor under the provisions of this chapter shall sell liquor except such as may be legally obtained under the provisions of this title.

**Source.** 1990, 255:1. 1992, 146:8, eff. July 5, 1992.

### **Section 177:5**

**177:5 Sunday and Holiday Openings. –** Notwithstanding any other provision of law, the commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor store located on a main route where traffic is heavy; provided, however, that no state liquor store may be opened for business at any time on Easter or Thanksgiving day, whenever appointed, and Christmas day. Although full-time employees shall be given the option of

working, no such employee shall be required to work on such days. The commission may employ part-time employees, subject to the rules of the director of personnel, to staff stores open on Sundays or holidays. Any full-time employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay for the actual number of hours worked.

**Source.** 1990, 255:1. 1992, 146:9. 1996, 275:12, eff. June 10, 1996.

### **Section 177:6**

**177:6 Liquor Dispensed Only Through Commission.** – Except as provided in RSA 178:8, II and RSA 178:27, no liquor shall be sold in any state store, nor by any sales agent, nor by any person holding an on-premises or off-premises retail license under RSA 178, except that obtained from the commission.

**Source.** 1990, 255:1. 1992, 147:2. 1998, 331:4. 2003, 231:12, eff. July 1, 2003.

### **Section 177:7**

**177:7 Packages.** – All liquor sold in state stores shall be sold for consumption off the premises. Such liquor shall be in packages containing such quantity as the commission shall prescribe. The commission is authorized to prescribe the form of bottle and package and to bottle such liquor as it may deem necessary and proper. The price of all liquor sold shall be sufficient to pay for the cost of the liquor purchased, plus the operating expenses of the state stores, plus a proportionate part of the overhead expenses of the commission, plus an additional charge; all to be determined by the commission. The commission is hereby authorized to limit the amount of liquor which may be purchased by any person.

**Source.** 1990, 255:1, eff. July 1, 1990.

### **Section 177:8**

#### **177:8 Historical Fund. –**

I. The commission is hereby authorized and directed to enter into contracts for the manufacture and purchase of commemorative bottles of historic significance, and pamphlets describing their historical significance. The commission shall add a special markup including the cost of the pamphlets to the cost of the bottles, above its customary markups for retail sales.

II. All revenue from these special markups shall be reported separately by the commission and, after the cost of the pamphlets is subtracted, shall be credited to the legislative appropriation and kept as a special nonlapsing fund to be known as the historical fund. The historical fund shall be within the oversight of the joint legislative historical committee established in RSA 17-I:1. No part of the fund shall be transferred or expended for any purpose except by the joint legislative historical committee in carrying out its responsibilities under RSA 17-I. The joint legislative historical committee shall use the revenue from the special markups exclusively for the preservation of the state house hall of flags and the battle flags displayed in the hall of flags.

III. Notwithstanding provisions of paragraph II, revenue from commemorative bottles sold under

this section between July 1, 2018 and December 31, 2019 shall be credited to the New Hampshire state house bicentennial education and commemoration fund in RSA 17-R:3.

**Source.** 1990, 255:1. 2013, 184:1, eff. July 2, 2013. 2016, 255:2, eff. June 30, 2016. 2018, 365:2, eff. July 1, 2018.

### **Section 177:8-a**

**177:8-a Reimbursement for Emergency Services.** – The commission and the officials of any municipality which is required to provide emergency services to a liquor store located on an interstate highway shall meet and negotiate reimbursement for each store on a per call basis for the services to be provided.

**Source.** 1991, 355:57, eff. July 1, 1991.

### **Section 177:8-b**

**177:8-b Brochures Relative to Fetal Alcohol Syndrome.** – The commission shall make informational brochures relative to fetal alcohol syndrome, prepared by the department of health and human services under RSA 132:2, XI, available to the public at the check-out counter of each state liquor store or through distribution programs run by the commission and calculated to provide the general public with information about fetal alcohol syndrome. The department of health and human services shall provide the commission with a sufficient quantity of the brochures initially, and additional brochures shall be available upon the request of the commission.

**Source.** 2005, 261:5, eff. Sept. 20, 2005.

## **Agency Liquor Stores**

### **Section 177:9**

**177:9 Agency Liquor Stores.** – The commission may license persons to operate agency liquor stores on an annual or seasonal basis for the purposes of selling liquor in sealed bottles, containers or original packages to be consumed off the premises.

**Source.** 1990, 255:1. 1991, 320:2, eff. Aug. 27, 1991.

### **Section 177:10**

#### **177:10 Rulemaking.** –

The commission shall adopt rules approved, under RSA 541-A, relative to the selection and operation of agency liquor stores. These rules shall apply equally to all stores, except those generally licensed under RSA 177:14 and shall include, but shall not be limited to the following:

- I. Location of agency liquor stores.

- II. The handling and sale of liquor.
- III. Storage facilities for liquor.
- IV. Hours of operation.
- V. The separation of liquor from other merchandise in the agency liquor stores.
- VI. The size and nature of the facilities of agency liquor stores for different quantities of liquor to be sold.
- VII. The definition of terms used in rulemaking for agency liquor stores.
- VIII. Operation of agency liquor stores.
- IX. Discount and compensation.
- X. Closure and vacancy of agency liquor stores.
- XI. Advertising and promotion.
- XII. Pricing of liquor.
- XIII. Selection of agency liquor stores.
- XIV. Selection of applicant for agency liquor stores.
- XV. Renewal of agency liquor stores.
- XVI. Industry interest.
- XVII. Applicants, stores, and employees.
- XVIII. Special seasonal agency liquor stores.

**Source.** 1991, 320:3. 2012, 171:12, eff. Aug. 10, 2012.

## **Section 177:11**

### **177:11 Location of Agency Liquor Stores. –**

- I. The commission may license an agency liquor store only when the following requirements are met:
  - (a) The proposed agency liquor store is located in a municipality which has voted in favor of the operation of state liquor stores under RSA 175:7.
  - (b) The proposed agency liquor store is located in a municipality where there is no state liquor store.
  - (c) The proposed agency liquor store shall not be within 10 road miles of an existing state liquor store or an existing agency liquor store.
- II. The commission may not replace a state liquor store which closes with an agency liquor store, unless the state liquor store was closed under the provisions of RSA 177:2.
- III. In the event that a proposed agency liquor store will replace a state liquor store, the commission shall make reasonable efforts to provide state employees other positions, if available.
  - III-a. In determining the location of a proposed agency store, the commission shall consider its effect on the economy, availability of liquor, and customers within the surrounding relevant market. For the purposes of this section, "surrounding relevant market" means the geographic area that is reasonably intended to be served by the agency store.
- IV. The commission shall issue a license for an agency liquor store within a municipality by the following procedure:
  - (a) The commission shall, in accordance with RSA 541-A, give public notice that agency liquor stores may be established in a particular municipality to serve persons located in that municipality and in the surrounding relevant market. The public notice shall identify the

surrounding relevant market that the agency store is intended to serve and all municipalities, or portions thereof, included therein. A copy of the public notice shall at the same time be forwarded by certified mail by the commission to the governing body of the municipality in which the agency store may be established and to the governing bodies of any additional municipalities located, in whole or in part, in the surrounding relevant market that the agency store is intended to serve. The commission shall request all parties in the municipality, interested in establishing an agency liquor store there, to apply to the commission.

(b) The commission shall provide all applicants with the necessary information for the establishment of agency liquor stores.

(c) Upon receipt of all applications for agency liquor stores licenses in a municipality, the commission shall notify the governing body of that municipality and the governing bodies of any additional municipalities located, in whole or in part, in the surrounding relevant market of the proposed location of each applicant and shall suspend all action on such applications for 30 days in order to allow the affected municipalities and any other interested person to submit written comments to the commission on the proposed location of a new agency store in a municipality.

(d) Upon the written request of the governing body of the municipality in which the proposed agency store may be located, or of the governing body of any municipality located in the surrounding relevant market as identified by the commission, that is received by the commission within 14 days of the date of the public notice forwarded to such a municipality under subparagraph (a), the commission shall in accordance with RSA 541-A publish notice and schedule a hearing on the proposed location of an agency store in such municipality. Any public hearing shall be held within 45 days of the close of the public comment period in the municipality in which the agency store may be located.

(e) The commission shall provide written notice by certified mail to all applicants, to the governing body of the municipality in which the agency store is to be located, and to the governing body of any other municipality located in the surrounding relevant market of the final selection of an applicant or applicants, and shall provide any applicant denied a license written notification of the reasons for the denial by certified mail to the mailing address given by the applicant in the application for an agency liquor store license.

(f) The commission shall issue a license to all persons qualifying under the commission's rules.

V. Any applicant aggrieved by a decision made by the commission may appeal the decision in accordance with RSA 541. For purposes of rehearing and appeal, the date of the written notice of final selection of an applicant or applicants shall constitute the decision of the commission.

**Source.** 1991, 320:3. 2009, 144:127, eff. July 1, 2009.

## **Section 177:12**

**177:12 Agency Store in Location of Former State Liquor Store.** – Within 72 hours of opening for business, an agency liquor store, occupying premises previously occupied by a state liquor store, shall remove all signs on the premises of that store which identify those premises as a state liquor store.

**Source.** 1991, 320:3, eff. Aug. 27, 1991.

## **Section 177:13**

**177:13 Liquor for Agency Liquor Stores.** – No agency liquor store shall purchase its liquor

inventory from any source other than the state liquor commission.

**Source.** 1991, 320:3, eff. Aug. 27, 1991.

### **Section 177:14**

#### **177:14 Special Seasonal Agency Liquor Stores. –**

- I. The commission may issue 6-month seasonal licenses to special seasonal agency stores.
- II. The commission shall determine the appropriate locations for the stores and the appropriate 6 consecutive months based on the seasonal tourist population and the sales volume at existing state and agency liquor stores in the same areas.
- III. The commission shall submit a report on or before September 30, 1996, to the speaker of the house, the senate president and the governor concerning the effectiveness of this section.

**Source.** 1991, 320:3, eff. Aug. 27, 1991.

### **Section 177:15**

**177:15 Transfer of Agency Liquor Store License Prohibited. –** An agency liquor store license shall not be transferable.

**Source.** 1991, 320:3, eff. Aug. 27, 1991.

### **Section 177:16**

#### **177:16 Eligibility Qualifications. –**

The commission shall not issue a license to an applicant, unless that applicant meets the following qualifications:

I. If the applicant is a proprietorship, the applicant shall be:

- (a) At least 21 years of age.
- (b) A citizen of the United States.
- (c) A resident of the state.

II. If the applicant is a partnership or association, all persons having an interest in the partnership or association shall be:

- (a) At least 21 years of age.
- (b) A citizen of the United States.
- (c) A resident of the state.

III. If the applicant is a corporation, it shall be incorporated under the laws of the state and shall have been authorized to transact business in the state.

III-a. If the applicant is a limited liability company, the applicant shall be organized under the laws of this state or authorized to transact business within the state.

IV. Any retail licensee, whether proprietorship, partnership, limited liability company, or corporation shall only be approved to establish one retail agency store.

**Source.** 1991, 320:3. 1995, 139:3, 4, eff. July 1, 1995.

## 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, warehouser, representative, or distributor of liquor or beverages.

## CHAPTER Liq 700 LICENSEE LICENSING

### REVISION NOTE #1:

Document #5289, effective 1-1-92, adopted Part Liq 706, which made extensive changes to the wording and format of the requirements in Part Liq 405. Document #5289 did not, however, repeal Liq 405, due to an agency oversight. Part Liq 405 remained in effect until repealed, effective 3-21-92, by Document #5363.

### REVISION NOTE #2:

Document #13144, effective 9-25-20, adopted, repealed, readopted with amendment, or readopted with amendment and renumbered all of the rules in Chapter Liq 700. Extensive changes were made in the wording, format, and numbering of rules in the former Chapter Liq 700.

Document #13144 replaces all prior filings for rules in the former Chapter Liq 700. The prior filings affecting rules in the former Chapter Liq 700 include the following documents:

#4455, eff 7-5-88  
#5043, eff 1-11-91  
#5180, eff 7-22-91  
#5289, eff 1-1-92  
#6391, eff 11-28-96  
#7551, INTERIM, eff 9-9-01, EXPIRED: 3-8-02  
#7668, eff 3-29-02  
#8138, eff 8-13-04, EXPIRED: 8-13-12  
#9965, eff 7-29-11  
#10323, INTERIM, eff 4-25-13, EXPIRES: 10-22-13  
#10443, eff 10-22-13  
#10742, eff 12-10-14

## PART Liq 701 CHAPTER DEFINITIONS AND OVERLYING CONDITIONS

Liq 701.01 Definition of Terms. The following terms shall be construed as set forth below:

- (a) "Affidavit" means a sworn statement of fact by an individual under oath or on affirmation before an authorized magistrate or officer;
- (b) "Applicant" means any natural or unnatural person intending to fulfill the statutory and administrative requirements for the issuance of a license pursuant to RSA 178;
- (c) "Application" means any written form, provided by the commission, which is a formal request for the issuance of a license;
- (d) "Application fee" means that fee that accompanies Form LIQ-A1, which covers the processing costs of new applicants;
- (e) "Chairman" means the executive director of the New Hampshire liquor commission;
- (f) "Cold food preparation area" means an area with at least a preparation counter, refrigeration, and food storage;
- (g) "Commission" means the New Hampshire liquor commission;
- (h) "Designation form" means a form provided by the commission to license applicants which is used to designate an individual to attend the required management training;
- (i) "Director of enforcement" means the chief of the division of enforcement and licensing;

- (j) "Division" means the division of enforcement and licensing;
- (k) "Form LIQ-A1" means the initial license application form;
- (l) "Hot food preparation area" means an area containing at least a stove, or an oven, or a microwave, or a steamer, or a steam table;
- (m) "Investigator" means a liquor enforcement officer appointed under the provisions of RSA 179:59, who is empowered to recommend to the director the issuance of a license;
- (n) "License" means any license to sell liquor, wine, beverages, or tobacco products issued by the commission;
- (o) "Licensing agent" means an employee of the commission who is authorized to assist the public with applications for liquor licenses, to evaluate license applications as to their completeness, confirm the applicant and proposed business meet all requirements of the license applied for, and to recommend either the issuance or rejection of such license;
- (p) "License year" means the period of time which an original license has been issued until it has expired or been renewed;
- (q) "Management training seminar" ("MTS") means the commission training program for new licensees required by RSA 178:2;
- (r) "Manager" means an individual who:
  - (1) Exercises personal control over policies, operating procedures, and operations of a licensed business; and
  - (2) Is designated by the holder of or applicant for a license under this chapter to attend the management training seminar for the licensee;
- (s) "Original license" means the first license issued to a business pursuant to RSA 178;
- (t) "Renewal" means any application for a license that has not lapsed or expired more than 90 days except for a seasonal license;
- (u) "Signature" means an original manual signature or mark. Nothing in these rules shall be construed so as to prohibit electronic or other signature forms when the commission has the capability of authorizing and processing such signatures;
- (v) "Supporting documentation" means complete signed copies of all requested materials in support of an application and required by Liq 702.04; and
- (w) "Wait service" means service by a licensee or their employee of food, beverages, liquor, or other items to the seating accommodations of the patrons.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 701.02 Completing Forms. Whenever a person is required to complete a form, as described in RSA 178 and this chapter, the following provisions shall apply:

- (a) Forms shall be filled out completely and truthfully;
- (b) Forms shall be completed in a legible manner;
- (c) Forms shall be completed in non-fading, non-erasable graphic such as ink or typewritten; and

(d) Nothing in this section shall be construed so as to prohibit completion or filing of forms via the internet or other electronic completion or filing of forms when the division has the capability of authorizing and processing such forms.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 701.03 Incomplete Form Returned. In the event a person submits a form not in compliance with Liq 700, such form shall not be processed. The form shall be returned to the submitting party with the reasons for such return noted.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 701.04 Failure to Comply with Statute or Rule. In the event an applicant fails to comply with an application rule or statute, such applicant's application shall not be processed and the applicant shall be notified within 10 working days of the date of rejection, together with the reasons for such rejection of the application.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 701.05 Fees, Form of Payment.

(a) Whenever an applicant makes a payment to the division for satisfaction of a fee, the provisions of this section shall apply.

(b) Payment shall be made in the form of United States currency, a check, money order, or other negotiable instrument payable upon demand for the total amount due for the initial or renewal license year for each license applied for.

(c) Such instrument described in paragraph (a) above shall be made payable to the "State of New Hampshire-Liquor Commission," however, a suitable alternative term including but not limited to "State of NH", "State Liquor Commission" or "Liquor Commission" shall not be cause for refusal to accept such instrument, providing it does not lend itself to endorsement of the instrument by any other party other than the state of New Hampshire, nor for any private individual or purpose.

(d) Any payment made to the division by check that was returned for insufficient funds which has not been made good, including any fees pursuant to RSA 6:11-a by cash, money order or certified check within 24 hours, excluding weekends and holidays, of notification of the licensee or one of their employees, shall result in proceedings for suspension or revocation of the license not paid for.

(e) The division shall also accept payments by means of approved credit and debit cards when the division is capable of authorizing and processing such payments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 701.06 When Submitted. Unless otherwise provided in these rules, any fee prescribed by a statute or rule shall be submitted for the full amount due as calculated by Liq 703.06 at the same time as the application to which it applies.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 701.07 Checks.

- (a) No check shall be accepted which bears a date subsequent to the date of the transaction.
- (b) Except as provided in this rule, no two-party check shall be accepted.
- (c) A two-party check shall be accepted if:
  - (1) One of the parties is the state of New Hampshire;
  - (2) The applicant is the other party; and
  - (3) The amount of the check is not greater than the fee.
- (d) No check shall be accepted that is dated more than 30 days prior to the receipt.
- (e) Any check as described in Liq 701.07(a), (b), or (d) shall cause the application to be incomplete.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 701.08 License Application Fees.

- (a) Each new applicant for a one day, a beer festival, a liquor and wine festival, an alcohol consultant, or a liquor and wine representative license shall pay a processing and investigation fee of \$25.00.
- (b) Each new applicant for any other type of license, except a special or supplemental license, shall pay a processing and investigation fee of \$100.00.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

PART Liq 702 APPLICATION PROCESS

Liq 702.01 Purpose. The purpose of these rules is to maintain a uniform and systematic approach to licensing of businesses as required and described under Liq 700 and RSA 178.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.02 Form LIQ-A1 Initial Application For A License.

- (a) When any natural or unnatural person desires to obtain a license, the applicant's or his, her or it's designee shall complete and submit Form LIQ-A1 "Initial Application," (revised 1/2020) and shall produce preliminary information necessary to initiate the application process.
- (b) As part of the application procedure, any new applicant for a new license issued pursuant to this title, except supplemental, special, or one day licenses, shall pay an application fee to recover the costs of processing and investigating each type of license application.
- (c) The applicant shall submit the application fee at the time they complete and submit Form LIQ-A1.
- (d) No application, except a special, supplemental, or one-day license application, shall be processed without the application fee accompanying Form LIQ-A1.
- (e) Application processing and investigation fees shall be non-refundable.
- (f) An applicant shall be considered a new applicant if such applicant's license has lapsed more than 90 days, unless the applicant was the holder of a seasonal license in the current or previous calendar year.



(g) Pursuant to RSA 641:3, applicants shall certify they are authorized to sign on behalf of the business entity applying for a license, and that the information provided is true, correct, and complete to the best of their knowledge and belief.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.03 Application Packet. Upon the submission of Form LIQ-A1, the licensing agent shall provide the applicant with the license type application as described in Liq 702.07 and the license type worksheet as described in Liq 702.07(b) and part Liq 705 of these rules.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.04 Required Documentation. As part of the application process, applicants shall produce and submit copies of the following documents:

- (a) For all applicants located within the state of New Hampshire:
  - (1) A signed deed, lease, or rental agreement for the premises:
    - a. In name of applicant; and
    - b. Providing that the applicant has the right to occupy the premises and is in control of the premises;
  - (2) A copy of a valid certificate, license, or letter of compliance issued by the state or town in which the business is located showing compliance with the provisions of RSA 143-A;
  - (3) A bill of sale or lease for all furniture, fixtures, and equipment that:
    - a. Shall be in name of applicant; and
    - b. Shall state that applicant owns, leases or rents the furniture and equipment;
  - (4) A signed and dated bill of sale for any alcoholic beverages purchased when buying an existing business that specifies:
    - a. The amount paid; and
    - b. The complete inventory of stock by brand type;
  - (5) A copy of the trade name registration with the New Hampshire secretary of state;
  - (6) A notarized affidavit showing affiant's ownership, management control, or employment by the business applying for a license;
  - (7) A managerial appointment consisting of a letter from and signed by the owners, partners, or members or a manager of a limited liability corporation ("LLC") or authorized corporate officer, as applicable, naming the manager together with his or her address, date, and place of birth;
  - (8) A diagram, sketch, or plan of physical layout of establishment;
  - (9) Copy of prior license or trade name and prior license number;
  - (10) A notarized certificate or affidavit from the registered agent of the entity furnishing all information required by RSA 178:3, V;

- (11) A notarized original power of attorney and original affidavit for any person with power of attorney;
  - (12) Town or city approval;
  - (13) Permit of assembly; and
  - (14) Health or food service license, if applicable;
- (b) For on-premises licenses:
- (1) A signed bill of sale or lease of draft system or humididor for cigar bar, to the applicant;
  - (2) A copy of a valid permit of assembly, letter, or certificate of occupancy issued by the local or state fire authorities;
  - (3) Food service permit from local or state health agency;
  - (4) Menu, if the applicant operates a restaurant; and
  - (5) Correspondence from the municipality indicating that it does not object to the forms of entertainment proposed by the applicant;
- (c) For a corporation:
- (1) A certificate of incorporation with all addendums attached;
  - (2) A corporate certificate or letter of good standing from the New Hampshire secretary of state dated or issued within the last 12 months;
  - (3) A copy of the articles of incorporation, by-laws, and an attachment indicating ownership and distribution of stock within the corporation;
  - (4) A copy of the certificate of authority from the New Hampshire secretary of state, if a non-New Hampshire corporation;
  - (5) Minutes of the election of the current officers and directors or minutes of each meeting electing officers or directors to provide a complete and accurate record of the current status of all officers and directors and true ownership of the corporation or a sworn affidavit by the corporate secretary attesting to who the current officers and directors are in lieu of minutes;
  - (6) Complete list of all current corporate officers, directors, shareholders including:
    - a. Full Name;
    - b. Date of birth (“DOB”); and
    - c. Legal address; and
  - (7) Notarized original power of attorney and original affidavit for any person with power of attorney;
- (d) For limited liability corporations (“LLC”):
- (1) A copy of the certificate of existence issued by the New Hampshire secretary of state, or a copy of the certificate of formation of the limited liability company with the filing date stamp of the New Hampshire secretary of state, or a copy of the authorization of the New Hampshire secretary of state for the LLC to do business in New Hampshire;
  - (2) A copy of the certificate of good standing issued within the last 12 months;

- (3) A copy of the LLC operating agreement; and
- (4) Complete list of all current members or appointments of LLC managers including:
  - a. Full name;
  - b. DOB; and
  - c. Legal address;
- (e) For partnerships:
  - (1) A notarized affidavit showing the partner's ownership, management control, or employment by the business applying for a license; and
  - (2) Notarized original power of attorney and original affidavit for any person with power of attorney;
- (f) For a liquor, wine or beverage manufacturer, brew pub, beverage vendor, nano brewer, or rectifier a copy of the United States Treasury Tax and Trade Bureau ("TTB") permit issued to the applicant;
- (g) For a common carrier, a copy of the United States Department of Transportation or Interstate Commerce Commission license or an affidavit from a New Hampshire based in-state carrier attesting to being a person who, for a fee, provides public transportation of goods or persons;
- (h) For a wholesaler, a surety bond issued to the wholesaler guaranteeing the amount pursuant to the provisions of RSA 178:16, II;
- (i) For an off-premises special license, a copy of a bill of sale, order of foreclosure, or letter of administration by the judge of probate;
- (j) For an off-premises with a pharmacy, license or certificate issued by the New Hampshire pharmacy board;
- (k) RESERVED
- (l) For a passenger tramway device, proof of licensing by the New Hampshire department of safety and a copy of the tramway inspection certificate issued for the device;
- (m) For a college club, proof of accreditation of a college or university with a letter from the accrediting agency indicating that the college or university is accredited and in good standing;
- (n) For non-profits, proof of non-profit status which shall consist of a copy of the U.S. Internal Revenue Service issued document and New Hampshire secretary of state document granting non-profit status;
- (o) For a dining or rail car:
  - (1) Proof of inspection with the New Hampshire department of transportation; and
  - (2) A copy of the certificate, letter of compliance, or license issued by the inspecting agency;
- (p) For a state fair:
  - (1) A written statement indicating official approval of the chief of the fire department with jurisdiction as to the safety of the location;
  - (2) A written statement indicating official approval of the health department with jurisdiction concerning sanitary conditions;
  - (3) A written statement indicating official approval of the police department with jurisdiction as to the accessibility and public safety of the location and the event; and

- (4) For a New Hampshire fair or exposition, a letter of good standing from the New Hampshire Association of Fairs and Expositions;
- (q) For social and veterans clubs, a roster of club members and auxiliaries, including addresses;
- (r) For a one-day license:
  - (1) A written statement indicating official approval of the chief of the fire department with jurisdiction as to the safety of the location;
  - (2) A written statement indicating official approval of the health department with jurisdiction concerning sanitary conditions;
  - (3) A written statement indicating official approval of the police department with jurisdiction as to the accessibility and public safety of the location and the event;
  - (4) A certificate of attendance at a commission management training seminar within 12 months prior to the effective date of the license;
  - (5) A letter of authorization from a non-profit organization designating an official in charge of the event;
  - (6) A notarized affidavit showing affiant's ownership, management control, or employment by the business applying for a license; and
  - (7) A list of alcohol servers for the function;
- (s) For a vessel, current operating certificate issued by the New Hampshire department of safety;
- (t) For a wine or beer festival:
  - (1) A written statement indicating official approval of the chief of the fire department with jurisdiction as to the safety of the location;
  - (2) A written statement indicating official approval of the health department with jurisdiction concerning sanitary conditions;
  - (3) A written statement indicating official approval of the police department with jurisdiction as to the accessibility and public safety of the location and the event;
  - (4) A letter of authorization from a non-profit organization designating an official in charge of the event;
  - (5) A notarized affidavit showing affiant's ownership, management control, or employment by the business applying for a license;
  - (6) A list of alcohol servers for the function; and
  - (7) A certificate of attendance at a commission management training seminar within 12 months prior to the effective date of the license;
- (u) For a vending tobacco license, location and name of business of each tobacco vending machine;
- (v) For pari-mutuel and commercial motor vehicle race track license, a listing of the areas that the applicant intends to utilize for the service and consumption of alcoholic beverages including a brief description of the area; and

(w) For an agency store:

- (1) A financial statement from a credit company or bank providing a copy of the applicant's credit standing;
- (2) Letters of recommendation from 3 New Hampshire residents indicating the reliability of the applicant's customer service record in the community; and
- (3) Any photographs of the business or other representation or other documentation that the applicant wants the commission to consider in the selection process.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.05 Input From Municipality.

- (a) As part of the application process, the licensing agent shall send correspondence to the municipality where the licensee is proposed to be located, notifying it of the license application.
- (b) The correspondence shall solicit the following information from a municipality in its review of the license application under Liq 702.08:
  - (1) That the proposed location of the business is appropriate for the sale and service of alcohol, tobacco, or both;
  - (2) The nature of the business relative to the surrounding neighborhood;
  - (3) The number of similar businesses in the neighborhood; and
  - (4) Objections from the municipality relative to the appropriateness of a liquor license under RSA 178:3, VII(f).

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.06 In-State Premises Inspection.

- (a) The commission shall inform the applicant of the requirements specific to the license type sought by the applicant.
  - (1) Once the applicant has obtained all documentation required by Liq 702.04, completed all desired renovations at the proposed locations, and installed all furniture, the applicant shall request an inspection of the site by an investigator.
- (c) The commission shall inspect the premises to determine compliance with applicable statutes and rules and the physical requirements of Liq 706.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.07 License Type Application.

- (a) Once the applicant has obtained and submitted copies of all documentation required by Liq 702.04 and an investigator has inspected the premises pursuant to Liq 702.06, the applicant shall complete and submit as appropriate:
  - (1) Form LTA-1M "License Type Application-Manufacturers" (revised 1/2020) for manufacturers, including brew pub, liquor manufacturer, beverage manufacturer, nano brewery with sampler (no restaurant), nano brewery with restaurant, rectifier, tenant brewer, wine manufacturer with sampler, and wine manufacturer retail outlet; or

(2) Form LTA-2D “License Type Application-Distributors – Non-Retail” (revised 1/2020) for distributors, including beverage vendor, carrier, liquor and wine representative, liquor and wine vendor, liquor/wine/beverage warehouse, wholesale distributor, and alcohol consultant; or

(3) Form LTA-3R-OFF “License Type Application-Retailers-Off-Premises” (revised 1/2020) for retailers off-premises, including agency store, beer festival, beer specialty, combination, off-premise specialty, retail tobacco, retail wine, tobacco sampling, tobacco vending, and wine festival; tobacco retail license fee; or

(4) Form LTA-3R-ON “License Type Application-Retailers-On-Premises” (revised 1/2020) for retailers on-premises, including, ballroom, bed and breakfast / hotel, caterer on-premises, caterer off-premises, college club, convention center, dining car / rail car, restaurant, military club, veteran’s club, social club, one day non-profit organization, state fair, sports entertainment complex, pari-mutuel / commercial motor vehicle race track, sports recreation facility, performing arts, vessel, wine / liquor festival, beer festival and cigar bar.

(b) The applicant shall complete and submit the “License Type Worksheet” as set forth in Liq 705 of these rules, in addition to the “License Type Application” set forth in Liq 702.07(a).

(c) If the license application and corresponding worksheet is completed, and the applicant satisfies all requirements for the license type, the licensing agent shall submit the application to the director for review.

(d) The director shall review the license application and submit to the commission a written recommendation as to whether the commission should grant or deny the license.

(e) If the director recommends that the commission grant the applicant a license, the director shall issue that applicant a temporary license pending the chairman or deputy commissioner’s final review and decision.

(f) If the director believes that he or she lacks sufficient information to determine whether to recommend the grant or denial of the license, because he or she is unable to fully assess the actual control structure of the licensee, the effect that any third-party interests may play on the licensee’s operations, the effect of the licensed establishment on the neighborhood, or, based on specific circumstances, there is reason to believe the applicant may be unable to comply with the provisions set forth in Title XIII or these rules, the director shall request additional information, and shall respond to the application by issuing the applicant a temporary license, which shall allow the applicant to operate pending the director’s determination regarding a recommendation of grant or denial.

(g) Any temporary license issued pursuant to Liq 702.07(e) or (f) shall automatically expire upon the occurrence of any of the following events:

- (1) The director’s recommendation to the commission that it deny the license;
- (2) The commission’s grant of the license; or
- (3) 90 days following its issuance.

(h) Any temporary license issued by the director pursuant to Liq 702.07(e) or (f) shall state on the document that it shall expire upon the occurrence of any of the events set forth in Liq 702.07(g)(1-3).

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.08 Additional information. In order to determine whether or not to approve the request for a license, the chairman or deputy commissioner may request additional information pursuant to RSA 178:3, V.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.09 Final Review. The chairman, or the deputy commissioner pursuant to RSA 176:2-a, shall determine whether or not to approve the request for a license based on the following:

- (a) The operational and business qualifications of all persons with a right to control the operations and policies of the proposed licensee;
- (b) The existence of any disqualifying felonies as specified in RSA 178:3, VI;
- (c) The information received from the municipality pursuant to Liq 702.05;
- (d) Completeness of the application;
- (e) That the applicant is of legal age;
- (f) That the applicant is of good character;
- (g) That the application accurately disclosed the applicant's interests in other business activities;
- (h) That the applicant's interests in other business activities would interfere with the lawful operation of the proposed business;
- (i) That interests in other business activities would create unfair competition or unlawful activities;
- (j) That the proposed business would be managed in a manner which would hinder the commission from exercising its regulatory and financial responsibilities;
- (k) That the proposed location of the business is an appropriate one, considering the nature of the business, the nature of the surrounding neighborhood, and the number of similar businesses in the neighborhood; and
- (l) The recommendation of the director of the division of licensing and enforcement.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.10 Issuance of License.

(a) The licensing agent shall notify the licensee in writing whether or not the request has been approved, and of any condition or conditions which the chairman, or the deputy commissioner pursuant to RSA 176:2-a, attached to any license approval, including, but not limited to:

- (1) A warehouse licensee, other than DHL, shall not store bailment products;
- (2) A combination licensee shall operate each of the licenses in comportment with the hours of sales requirements for the license in operation as established by RSA 179:17; and
- (3) Any other condition or conditions that further the primary duties of the commission as outlined in RSA 176:3.

(b) Any denials shall be accompanied by a written statement stating the basis for the denial and that the applicant has a right to a hearing.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 702.11 Management Training Seminar.

(a) The commission shall offer the management training seminar ("MTS") pursuant to RSA 178:2, II.

(b) All retail licensees or a manager designee shall attend and receive a certificate of completion with positive identification in compliance with RSA 179:8.

(c) The seminar shall cover the following topics:

(1) Information on state law;

(2) Alcohol sales practices;

(3) Criminal and civil liability; and

(4) Management practices intended to reduce access to alcohol by persons under the age of 21 and over service of alcohol to patrons.

(d) A schedule of classes shall be provided to all license applicants by the licensing officer.

(e) Prior to the effective date of a one-day license, the training program shall be attended by a management representative of the applicant provided, however, if 2 or more one day licenses are issued to the same applicant during any 12-month period, the management representative of the applicant shall be required to attend the training program only once during that 12-month period.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 702.12 Training Required, Designee.

(a) Pursuant to RSA 178:2, for each on or off premise license initially issued, all retail licensees or a manager designee shall attend the commission MTS licensee basic training course.

(b) An applicant may designate a manager by name to attend the training in his or her stead on a designation Form L-003 provided by the commission, which shall be filed with the license application.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 702.13 License Suspension.

(a) Pursuant to RSA 178:2, V, the chairman may suspend, pursuant to RSA 541-A:30, III, the license of any person who holds a license under the provisions of this chapter for failure to comply with the requirements of RSA 178:2, IV, which license shall not be reissued until the required training is complete.

(b) Notice of possible suspension pursuant to paragraph (a) shall accompany the license application and be signed by the licensee.

(c) Upon 20 days after the license is issued, if the licensee has not yet attended the mandatory training, the division shall issue a warning notice to the licensee directing the licensee to complete the training by the 45-day deadline.

(d) A warning notice issued pursuant to Liq 702.13(c) constitutes a commission order.

(e) Once 45 days has elapsed since the license was issued, the division shall issue a licensee who still has not attended the training an administrative notice of violation and schedule a hearing on the violation.

(f) If the chairman suspends a license for failure to attend MTS, the license shall not be reinstated until the required training is completed.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20



## PART Liq 703 LICENSING FORMULA

Liq 703.01 Purpose. The purpose of this part is to provide applicants with a formula for the calculation of license fees as required pursuant to RSA 178.

### Liq 703.02 Definitions.

- (a) "B-Month" means the birth month for an individual or legal date of organization.
- (b) "C-Month" means the effective month of a new license;
- (c) "D-Month" means the difference in months between B-Month and C-Month.
- (d) "Eff Date" means the first day of the month the license is to take effect.
- (e) "License-Months" means the length of a license issued in measurement by month.
- (f) "SPI" means either the birth date or legal date of incorporation or other organization.
- (g) "Table" means any chart, graph, or reference material included to more clearly explain a concept or legal requirement.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

### Liq 703.03 RESERVED

Liq 703.04 Formula for Calculation of Licensing Months. The formula for calculation of licensing months for initial licenses shall be as follows:

- (a) If B-Month is less than C-Month, the license fee shall be calculated as follows:
  - (1) The D-Month shall equal the C-Month minus B-Month plus one;
  - (2) If D-Month is less than 9, the license months shall equal 12 minus D-Month; and
  - (3) If D-Month is greater than or equal to 9, the license months shall equal 24 minus D-Month.
- (b) If B-Month is greater than or equal to C-Month, the license fee shall be calculated as follows:
  - (1) The D-Month shall equal the B-Month minus C-Month minus one;
  - (2) If D-Month is less than 4, the license months shall equal 12 plus D-Month; and
  - (3) If D-Month is greater than or equal to 4, the license months shall equal D-Month.
- (c) Licenses, except for seasonal, supplemental, state fair, special, beer festival, or one day licenses shall be issued for periods of at least 4 months, but shall not exceed 15 months as determined by the formula in Liq 703.04(a) and (b).

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

### Liq 703.05 Table A.

- (a) The length of the license issued shall be determined by matching the SPI month in the X axis with the effective month in the Y axis;
- (b) Once the effective month and SPI month have been determined the number of months for the initial license or lapsed license shall be in compliance with table A below:

TABLE A

SPI MONTH												
Eff. Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Jan	13	14	15	4	5	6	7	8	9	10	11	12
Feb	12	13	14	15	4	5	6	7	8	9	10	11
Mar	11	12	13	14	15	4	5	6	7	8	9	10
Apr	10	11	12	13	14	15	4	5	6	7	8	9
May	9	10	11	12	13	14	15	4	5	6	7	8
June	8	9	10	11	12	13	14	15	4	5	6	7
July	7	8	9	10	11	12	13	14	15	4	5	6
Aug	6	7	8	9	10	11	12	13	14	15	4	5
Sept	5	6	7	8	9	10	11	12	13	14	15	4
Oct	4	5	6	7	8	9	10	11	12	13	14	15
Nov	15	4	5	6	7	8	9	10	11	12	13	14
Dec	14	15	4	5	6	7	8	9	10	11	12	13

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 703.06 License Fees. The initial or renewal fee for any license shall be the sum of the license- months divided by 12 multiplied by the annual cost for each category pursuant to RSA 178:29 except for seasonal, special, supplemental, beer festival, and state fair licenses.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 703.07 Refunds Prohibited. The fees paid by any licensee for a license, regardless of the license term, shall not be refundable except when a refund request is received by the commission prior to the effective date of the license.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

PART Liq 704 LICENSE RENEWALS

Liq 704.01 Notice of Renewal.

- (a) The division shall identify all year round licenses 90 days before their renewal date.
- (b) The following shall apply:

- (1) The division shall issue a written application, the applicable License Type Worksheet (LTW), or the renewal of licenses to every licensee;
- (2) The application shall be delivered electronically, or by mail if requested by the applicant, or other appropriate method to an address designated by the licensee;
- (3) The applicant shall answer all questions in the applicable license type worksheet designed for the renewal of a license as required pursuant to RSA 178:3 and applicable parts of Liq 700;
- (4) All questions shall be answered truthfully, completely, in a legible manner, and in a non-erasable graphic;
- (5) Any supporting documentation required to update an application pursuant to Liq 702.04 shall accompany the application when submitted for renewal;
- (6) The renewal applicant's application to the division office in Concord shall be postmarked at least 30 days before the expiration date of their license; and
- (7) The fees, and form of payment shall comply with the provisions of Liq 701.05.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 704.02 Bond Required.

- (a) A wholesale distributor as defined by RSA 175:1, LXVI, shall give to the state of New Hampshire a surety bond required by RSA 178:16, II.
- (b) The formula for a renewed bond shall be 1.5 times the highest monthly sum of additional fees paid pursuant to RSA 178:26 during the 12-month period ending 3 months prior to the license renewal date.
- (c) The amount of the bond required for an original applicant shall be in an amount determined by an estimate of the chairman based upon the vendor's or applicant's estimated sales.
- (d) The bond amount shall be reviewed every 3 months and shall be based upon the actual number of gallons of beverage sold monthly multiplied by the amount of tax specified by RSA 178:26 for each gallon sold multiplied by 1.5 during the period of the original license.
- (e) The length of time a bond is required shall be consistent with the requirements of RSA 178:16.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### PART Liq 705 LICENSE TYPE WORKSHEETS

##### REVISION NOTE:

Document #13346, effective 2-24-22, readopted with amendments Form LTW-05 "License Type Worksheet-Sports Recreation Facility" pursuant to the expedited revisions to agency forms process in RSA 541-A:19-c. Form LTW-05 is incorporated by reference in Liq 705.33 titled "Sports Recreation Facility License". Document #13346 also updated the revision date of the form from "8/2020" to "2/2022" to reflect the amendments made to the form, and the revision date of "8/2020" in Liq 705.33 was subsequently updated to "2/2022" as an editorial change. The prior filing affecting rule Liq 705.33 was Document #13114, effective 9-25-20, and the effective date of the rule remained unchanged.

Document #13423, effective 7-30-22, readopted with amendments Form LTW-03 "License Type Worksheet-Restaurant" pursuant to the expedited revisions to agency forms process in RSA 541-A:19-c. Form LTW-03 is incorporated by reference in Liq 705.29 titled "Restaurant and Related Licenses." Document #13423

also updated the revision date of the form from “8/2020” to “7/22” to reflect the amendments made to the form, and the revision date of “8/2020” in Liq 705.29 was subsequently updated to “7/22” as an editorial change. The prior filing affecting rule Liq 705.29 was Document #13114, effective 9-25-20, and the effective date of the rule remained unchanged.

Liq 705.01 Information Required on Worksheets.

(a) Each applicant for a license shall retain, maintain and keep readily available all supporting documentation relative to their specific worksheet and, upon investigation, provide such documentation to any member of the commission.

(b) Each applicant for a license shall provide the name of the business, the trade name of the business, if any, and the primary contact for the applicant.

(c) Each applicant for a license shall provide specific information and acknowledgements on a “License Type Worksheet” as required by Liq 702.07 (a) and as specified in this Part. The information provided shall be certified by the applicant under penalty of unsworn falsification pursuant to RSA 641:3.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.02 Liquor Manufacturer Licenses. Applicants for a liquor manufacturer license shall complete and submit Form LTW-19, “License Type Worksheet-Liquor Manufacturer” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.03 Rectifier Licenses. Applicants for a rectifier license shall complete and submit LTW-32, “License Type Worksheet-Rectifier” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.04 Liquor and Wine Vendor License. Applicants for a liquor and wine vendor license shall complete and submit Form LTW-45, “License Type Worksheet-Liquor and Wine Vendor” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.05 Liquor/Wine/Beverage Warehouser License. Applicants for a liquor/wine/beverage/warehouse license shall complete and submit Form LTW-12, “License Type Worksheet-Liquor, Wine and Beverage Warehouser” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.06 Wine Manufacturer's License. Applicants for a wine manufacturer’s license shall complete and submit Form LTW-30, “License Type Worksheet-Wine Manufacturer – Off Premises Sampling/Retail Sales” (revised 8/2020) providing all required information, acknowledgments, and, for an off-premises sampling retail event, attach a copy of the authorization letter from the nano-brewery allowing the applicant permission to conduct sales and sampling.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.07 Liquor and Wine Representative License. Applicants for a liquor and wine representative license shall complete and submit Form LTW-35, “License Type Worksheet-Liquor and Wine Representative” (revised 8/2020) providing all required information, acknowledgments, and attach a warranty deed or lease agreement.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.08 Beverage Manufacturer Licenses. Applicants for a beverage manufacturer license shall complete and submit Form LTW-18, “License Type Worksheet-Beverage Manufacturer” (revised 8/2020) providing all required information, acknowledgments, and attach a completed form LTW-03 “Restaurant” worksheet, if the applicant will hold an on-premise license.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.09 Carrier License. Applicants for a carrier license shall complete and submit Form LTW-16, “License Type Worksheet-Carrier” (revised 1/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.10 Beverage Vendor Licenses. Applicants for a beverage vendor license shall complete and submit Form LTW-31, “License Type Worksheet-Beverage Vendor” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.11 Wholesale Distributor Licenses. Applicants for a wholesale distributor license shall complete and submit Form LTW-20, “License Type Worksheet-Wholesale Distributer” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.12 Off-Premises Special License (Auction). Applicants for an off-premises special license shall complete and submit Form LTW-42, “License Type Worksheet-Off-Premise Specialty (Auction)” (revised 8/2020) providing all required information, acknowledgments, and attach the following:

- (a) If an administrator/executor sale, the letter of administration signed by the probate judge;
- (b) A copy of the foreclosure, court order, assignment or liquidation order, if applicable;
- (c) A letter from a non-profit signed by a corporate officer designating that person is allowed to represent the non-profit organization for the event;
- (d) An affidavit for the designated person in charge of the event;
- (e) Form L-023d “Special One Day / Auction Licenses Only – Inventory”; and
- (f) Form L-023e “Auction – Affidavit for Alcohol Sold”.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.13 Combination License. Applicants for a combination license shall complete and submit Form LTW-47, “License Type Worksheet-Combination” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.14 Retail Table Wine License. Applicants for a retail table wine license shall complete and submit Form LTW-46, “License Type Worksheet-Retail Table Wine” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.15 Bed and Breakfast and Hotel License. Applicants for a bed and breakfast or a hotel license shall complete and submit Form LTW-02, “License Type Worksheet-Bed & Breakfast / Hotel” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.16 State Fair License. Applicants for a state fair license shall complete and submit Form LTW-23, “License Type Worksheet-State Fair” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.17 Ballroom License. Applicants for a ballroom license shall complete and submit Form LTW-11, “License Type Worksheet-Ballroom” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.18 Caterer License On-Site and Caterer Off-Site. Applicants for a caterer on-site & off-site license shall complete and submit Form LTW-34, “License Type Worksheet-Caterer On-Site / Caterer Off-Site” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.19 RESERVED

Liq 705.20 College, Military, Veteran’s and Social Club Licenses. Applicants for a college, military, veteran’s or social club license shall complete and submit Form LTW-01, “License Type Worksheet-College, Military & Veterans / Social Clubs” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.21 RESERVED

Liq. 705.22 RESERVED

Liq 705.23 Convention Center License. Applicants for a convention center license shall complete and submit Form LTW-25, “License Type Worksheet-Convention Center” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq. 705.24 RESERVED

Liq. 705.25 One Day Non-Profit Organization License. Applicants for a one day license shall complete and submit Form LTW-41, “License Type Worksheet-One Day Non-Profit Organization” (revised 1/2020) providing all required information and acknowledgments 15 days before the date on which the license is needed.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.26 Performing Arts Facility License. Applicants for a performing arts facility license shall complete and submit Form LTW-08, “License Type Worksheet-Performing Arts” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq.705.27 Pari-Mutuel and Commercial Motor Vehicle Race Track License. Applicants for a pari-mutuel or a commercial motor vehicle race track license shall complete and submit Form LTW-24, “License Type Worksheet-Pari-mutuel / Commercial Motor Vehicle Race Track” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.28 Dining Car or Rail Car License. Applicants for a dining or rail car license shall complete and submit Form LTW-27, “License Type Worksheet-Dining Car / Rail Car” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.29 Restaurant and Related Licenses. Applicants for a restaurant license shall complete and submit Form LTW-03, “License Type Worksheet-Restaurant” (revised 7/2022) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20; (see also Revision Note at part heading for Liq 705)

Liq 705.30 Vessel License. Applicants for a vessel license shall complete and submit Form LTW-13, “License Type Worksheet-Vessel” (revised 8/2020) providing all required information and acknowledgments.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.31 Agency Store License. Applicants for an agency store license shall complete and submit Form LTW-04, “License Type Worksheet-Agency Store” (revised 8/2020) providing all required information, acknowledgments, and attach a business plan of operations detailing how the proposed agency store would operate during the term of the license.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.32 Brew Pub License. Applicants for a brew pub license shall complete and submit Form LTW-15, “License Type Worksheet-Brew Pub” (revised 8/2020) providing all required information and acknowledgments.



[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.33 Sports Recreation Facility License. Applicants for a sports recreation facility license shall complete and submit Form LTW-05, “License Type Worksheet-Sports Recreation Facility” (revised 2/2022) providing all required information, acknowledgments, and attach a business plan of operations which shall detail the type of sports/recreation provided by the applicant and the physical facility in which their operations are carried out.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20; (see also Revision Note at part heading for Liq 705)

Liq 705.34 Alcohol Consultants. Applicants for an alcohol consultant license shall complete and submit Form LTW-44, “License Type Worksheet-Alcohol Consultant” (revised 8/2020) providing all required information, acknowledgments, and attach Form L-075 – “New Hampshire Liquor Commission Direct Shipper Affiliation Form”.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.35 Beer Festival License. Applicants for a beer festival license shall complete and submit Form LTW-14, “License Type Worksheet-Beer Festival” (revised 8/2020) providing all required information, acknowledgments, and attach the following:

- (a) Proof of non-profit status from the New Hampshire Secretary of State; and
- (b) A letter of designation from a non-profit group.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.36 Beer Specialty License. Applicants for a beer specialty license shall complete and submit Form LTW-07, “License Type Worksheet-Beer Specialty” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.37 Cigar Bar License. Applicants for a cigar bar license shall complete and submit Form LTW-06, “License Type Worksheet-Cigar Bar” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.38 Tenant Brewer License. Applicants for a tenant brewer license shall complete and submit Form LTW-09, “License Type Worksheet-Tenant Brewer” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.39 Nano Brewery License. Applicants for a nano brewery license shall complete and submit either Form LTW-22, “License Type Worksheet-Nano Brewery with Restaurant Option and Off-Premises Sampling / Retail Sales” (revised 8/2020) or “License Type Worksheet-Nano Brewery Option and Off-Premises Sampling / Retail Sales (No Restaurant Option)” (revised 8/2020) providing all required information, acknowledgments, and attach the following:



(a) For a nano brewery with the restaurant option, a completed form LTW-03 “Restaurant”; and

(b) For an off-premises sampling retail event, a copy of the authorization letter from the wine manufacturer allowing the applicant permission to conduct sampling and sales.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.40 Tobacco Licenses. Applicants for a tobacco retailer, tobacco sampler or a tobacco vending license shall complete and submit Form LTW-17, “License Type Worksheet-Retail Tobacco / Tobacco Sampler / Tobacco Vending” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.41 Wine or Liquor Festival License. Applicants for a wine or liquor festival license shall complete and submit Form LTW-21, “License Type Worksheet-Wine Festival / Liquor Festival” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.42 Sports Entertainment Complex. Applicants for a sports entertainment complex license shall complete and submit Form LTW-43, “License Type Worksheet-Sports Entertainment Complex” (revised 8/2020) providing all required information, acknowledgments, and attach a copy of the applicant’s contract for operating under this license if the applicant is not the owner of the complex.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.43 Wine Manufacturer Retail Outlet. Applicants for a wine manufacturer retail outlet license shall complete and submit Form LTW-29, “License Type Worksheet-Wine Manufacturer Retail Outlet” (revised 8/2020) providing all required information and acknowledgments.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 705.44 RESERVED

## PART Liq 706 PHYSICAL REQUIREMENTS REQUIRED FOR NEW OR RENEWAL APPLICATIONS FOR LICENSES

Liq 706.01 Liquor/Rectifier Manufacturer's Requirements.

(a) Applicants for a liquor or rectifier manufacturer license shall have a securable premises located within the boundaries of New Hampshire capable of manufacturing the products to be sold according to any laws or rules provided pursuant to RSA 143-A.

(b) Each manufacturer or rectifier shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports, and other related records for the business shall be stored for all transactions of the liquor manufacturer or rectifier.

[Source.](#) (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 706.02 Liquor/Wine/Beverage Warehouse Requirements.

(a) Applicants for a liquor/wine/beverage warehouse license shall have a securable warehouse facility located within the state of New Hampshire.

(b) Each warehouse shall be equipped with loading docks or other arrangements to facilitate the loading or unloading of stock.

(c) Each warehouse shall be equipped at their own expense with a computer inventory control system capable of interfacing with the commission's computer system.

(d) Each warehouse shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports, and other related records for the business shall be stored for all transactions of the warehouse.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 706.03 Wine Manufacturer Requirements.

(a) Applicants for a wine manufacturer license shall have a securable premises located within the boundaries of New Hampshire capable of manufacturing the products to be sold according to any laws or rules provided pursuant to RSA 143-A.

(b) Each wine manufacturer shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports, and other related records for the business shall be stored for all transactions of the wine manufacturer.

(c) Each wine manufacturer shall have a separate, securable room for storage.

(d) Each wine manufacturer wishing to conduct a tasting on their premises shall have a room or rooms to conduct the tasting in, which may be the same room as in paragraph (c).

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 706.04 Liquor and Wine Representative Requirements.

(a) Each applicant for a liquor and wine representative license shall designate a resident agent who resides in the state of New Hampshire, and that resident agent shall be responsive, on behalf of the applicant, to all notices, inquiries, and directives from the commission and shall accept service of process, on behalf of the applicant.

(b) Any notice or communication of any kind by the commission to the resident agent shall carry full force and effect as though provided directly to the liquor and wine representative at the time that it is communicated to the resident agent.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 706.05 Beverage Manufacturer License Requirements.

(a) Applicants for a beverage manufacturer license shall have a securable premises located within the boundaries of New Hampshire capable of manufacturing the products to be sold according to any laws or rules provided pursuant to RSA 143-A.

(b) Each beverage manufacturer shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports, and other related records for the business shall be stored for all transactions of the beverage manufacturer.

(c) Applicants for a beverage manufacturer license shall have a securable warehouse facility located within the state of New Hampshire.

(d) A beverage manufacturer's hospitality room shall:

- (1) Be a separate room on the licensed premises with seating accommodations as required by RSA 179:27;
- (2) Have a valid permit of assembly issued by local or state fire authorities; and
- (3) Shall have a valid license issued pursuant to RSA 143-A.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 706.06 Wholesale Distributor License Requirements.

(a) Applicants for a wholesale distributor license shall have a securable warehouse facility located within the state of New Hampshire.

(b) Each wholesale distributor shall have an office located on the premises where receiving reports, shipping papers, packing slips, shipping reports and other related records for the business shall be stored for all transactions of the wholesale distributor.

(c) Those wholesale distributors that seek to sell case lots of beverages to the public shall maintain a separate room that may be the same as in paragraph (b).

(d) This room shall be equipped with a cash register or other computerized billing system for recording sales of beverages under the off-premises provisions of the license.

(e) Any on-premises license issued to a wholesale distributor under the provisions of RSA 178:16, III in the same building shall be a separate securable premises from that of the wholesale distributor's wholesale operation.

(f) Any on-premises license issued to a wholesale distributor shall meet all requirements for that license type.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 706.07 Combination License Requirements.

(a) Combination licensees shall have a separate and securable premises with no interior connections to another business or another person's private property as required by RSA 179:48, IV.

(b) Each premises licensed shall have at least one cash register, shelving, or other accommodation for retail display and refrigeration for perishable products.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

#### Liq 706.08 Retail Table Wine License Requirements.

(a) Retail table wine licensees shall have a retail business other than sale of alcoholic beverage or wine in order to qualify for a license.

(b) Retail table wine licensees shall have a separate and securable premises with no interior connections to other businesses as required by RSA 179:48, IV.

(c) Each premises licensed shall have at least one cash register and shelving, or other accommodation for retail display.

(d) On-premises licensees who are licensed under RSA 178:19, III shall maintain a separate room(s) for storage, shelving, and display of table wines with at least one cash register.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 706.09 On-premises Beverage and Wine License Requirements.

(a) On-premises beverage and wine licensees shall only serve beverage and wine in licensed areas at such times as food is available.

(b) Bed and breakfasts shall:

- (1) Meet the definition of RSA 175:1, VI;
- (2) Be licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1;
- (3) Have toilet facilities available meeting the requirements of RSA 143-A;
- (4) Have dining areas with seating for guests as required by RSA 179:27;
- (5) Have hot and cold cooking and preparation areas capable of servicing at least the maximum number of registered guests at a time;
- (6) Have family style or dining areas with wait service capable of seating the maximum number of registered guests at one time;
- (7) Have a posted room rate that includes breakfast; and
- (8) Have a securable area for the storage of their beverage and wine.

(c) Dining cars meeting the definition of RSA 175:1, XXIX shall have:

- (1) Dining areas meeting the provisions of RSA 179:27 and hot and cold food preparation areas capable of servicing at least the maximum capacity of the dining car licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable;
- (2) Wait service provided for the safety of the passengers; and
- (3) A securable area for the storage of their beverage and wine.

(d) Vessels meeting the definition of RSA 175:1, LXV shall have:

- (1) Areas capable of servicing at least the maximum number of passengers on the vessel at a time licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable including provisions for cold food consisting of, but not limited to:
  - a. Cold food storage and preparation area; or
  - b. Cold storage for prepackaged foods; and
- (2) A securable area for the storage of their beverage and wine.

(e) Restaurants meeting the definition of RSA 175:1, LIX shall have:

- (1) Dining areas with seating for 20 patrons meeting the provisions of RSA 179:27 and food service preparation and cooking areas capable of servicing the licensed dining areas, pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable including both hot and cold food preparation areas;
- (2) Wait service as an option in the cafeteria or self-service restaurant operations; and
- (3) A securable area for the storage of their beverage and wine.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 706.10 On-Premises Beverage and Liquor License Requirements.

(a) On-premises beverage and liquor licensees except vessels, shall serve beverage and liquor in dining rooms of full service restaurants as defined by RSA 175:1, XXXIII, pursuant to the requirements of RSA 178:20, II using:

- (1) Standard metal or plastic flatware;
- (2) Glassware or drinking containers other than paper; and
- (3) Plates at such times as full course meals as defined by RSA 175:1, XXXII are being served;

(b) In addition to Liq 706.10(a), bed and breakfasts shall:

- (1) Meet the definition of RSA 175:1, VI;
- (2) Be licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1;
- (3) Have toilet facilities available meeting the requirements of RSA 143-A;
- (4) Have dining areas with seating for guests as required by RSA 179:27;
- (5) Have hot and cold food preparation areas capable of servicing at least the maximum number of registered guests at a time;
- (6) Have family style or dining areas with wait service capable of seating the maximum number of registered guests at one time;
- (7) Have a posted room rate that includes breakfast; and
- (8) Have a securable area for the storage of their beverage and liquor.

(c) In addition to Liq 706.10(a), dining cars meeting the definition of RSA 175:1, XXIX shall have:

- (1) Dining areas meeting the provisions of RSA 179:27 and food service preparation areas capable of servicing the maximum capacity of the dining car at a time licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable including both hot and cold food preparation areas;
- (2) Wait service provided for the safety of the passengers; and
- (3) A securable area for the storage of their beverage and liquor.

(d) Vessels meeting the definition of RSA 175:1, LXV shall have:

- (1) Areas capable of servicing at least the maximum number of passengers on the vessel at a time licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable including provisions for cold food consisting of, but not limited to:

- a. Cold food preparation and storage area; or

b. Cold storage for prepackaged foods; and

(2) A securable area for the storage of their beverage and liquor.

(e) In addition to Liq 706.10(a), full service restaurants meeting the definition of RSA 175:1, LIX and RSA 175:1, XXXIII shall have:

(1) Dining rooms or function rooms meeting the provisions of RSA 179:27, rest rooms, and both hot and cold food preparation areas capable of servicing at least 20 patrons at a time licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable;

(2) Wait service provided to the table or other licensed seating area; and

(3) A securable area for the storage of their beverage and liquor.

(f) In addition to Liq 706.10(a), hotels meeting the definition of RSA 175:1, XXXVII with full service restaurants meeting the definition of RSA 175:1, LIX and RSA 175:1, XXXIII shall have:

(1) Dining rooms or function rooms meeting the provisions of RSA 179:27, rest rooms, and both hot and cold food preparation areas capable of servicing at least 20 patrons at a time licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable;

(2) Wait service provided to the licensed seating areas; and

(3) A securable area for the storage of their beverage and liquor.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

Liq 706.11 On-Premises Cocktail Lounge Licenses. Except for one day and performing arts facility licenses, all applicants for a cocktail lounge license shall:

(a) Have a separate room, or in the case of a vessel, designated areas with seating for passengers, operated for the purpose of serving liquor and beverage without food meeting the definition of RSA 175:1, XXIII with rest room facilities;

(b) Except in the case of a vessel, have a fully equipped service bar as defined by RSA 175:1, LXI with room for display of stock and the preparation, refrigeration, and service of liquor and beverages licensed pursuant to RSA 143-A, RSA 47:17, or RSA 147:1 as applicable;

(c) Be independently securable or shall have a securable area for the storage of beverage and liquor;

(d) In addition to the requirements of Liq 707.11(a) through (c):

(1) The holder of an alpine slide cocktail lounge license shall have:

a. A public alpine slide facility as defined by RSA 175:1, IV whose passenger tramway device is currently registered by the New Hampshire passenger tramway safety board; and

b. Securable premises in a building open to the public in which the cocktail lounge shall be housed;

(2) The holder of a ballroom cocktail lounge license shall have:

a. Securable premises in a building open to the public in which the cocktail lounge shall be housed meeting the definition of RSA 175:1, V;

- b. A securable room or area for the storage of alcoholic beverages and liquor for those licensees utilizing the provisions of RSA 178:22, V(c)(2) during the times when the privilege is being exercised; and
  - c. A separate room for the service of private groups in addition to the public areas of the ballroom for those ballroom licensees wishing to remain open to the public while serving private groups under a supplemental license issued pursuant to RSA 178:22, V(c)(3);
- (3) The holder of a bowling facility cocktail lounge license shall have:
- a. Securable premises in a building open to the public in which the bowling facility as defined by RSA 175:1, XII shall be housed; and
  - b. A separate securable room in the same facility to house the cocktail lounge;
- (4) The holder of a caterer's cocktail lounge license shall have:
- a. For an off-premises caterer's license, either possession of a convention center cocktail lounge license, a full service restaurant license or a full service hotel license issued by the commission or premises required by RSA 175:1, XV(b); or
  - b. For an on-premises caterer's license, securable premises in a building with permanent kitchen and dining facilities as defined by RSA 175:1, XVI, with seating meeting the requirements of RSA 179:27 and the facilities listed below:
    - 1. Kitchen preparation and cooking areas capable of servicing 100 patrons at a time when the food is prepared and cooked on the premises, including both hot and cold food preparation areas; and
    - 2. When the food is prepared off the premises by a subcontractor, kitchens shall have a preparation area, refrigeration, and warming or holding devices meeting standards required by local or state health departments pursuant to RSA 143-A, RSA 47:17, or RSA 147:1;
- (5) The holder of a college club cocktail lounge license shall have a securable premises in a building housing the cocktail lounge facility which is under the control or ownership of that accredited college or university;
- (6) The holder of a military club cocktail lounge license shall have a securable room which is not open to the public, housing the cocktail lounge on the premises of a National Guard Armory;
- (7) The holder of a private, veterans, or social club cocktail lounge license shall have:
- a. A secured access, by key, electronic pass, or buzzer system to the premises housing the cocktail lounge facility open to members and their guests only; and
  - b. A separate rental hall facility with an entrance and rest rooms and with either a temporary or permanent service bar separate from the social or veterans club cocktail lounge for those clubs desiring a supplemental club license;
- (8) The holder of a convention center cocktail lounge license shall have:
- a. Securable premises in a building meeting the definition of RSA 175:1, XXVI; and
  - b. Permanent non-moveable partitions separating the dining room(s) from the cocktail lounge(s) and other convention rooms;
- (9) The holder of a golf facility cocktail lounge license shall have:
- a. A golf facility as defined by RSA 175:1, XXXV; and

- b. A securable premises in a building on the premises of the golf facility;
- (10) The holder of a full service hotel cocktail lounge license shall have permanent non-moveable partitions separating the dining room(s) from the cocktail lounge(s);
- (11) The holder of a one day license cocktail lounge license shall have:
- a. A public building as defined by RSA 175:1, LV-a that is not the premises of another licensee, but which may be rental facilities meeting the requirements of Liq 501.13(b) on licensed social or veterans club premises;
  - b. A clearly defined area for service for outdoor areas fenced so as to delineate exactly what is the lounge area, constructed in such a manner to exclude patrons under age 18 who are not accompanied by a parent or guardian; and
  - c. A licensed area equipped with at least a portable service bar as defined by RSA 175:1, LXII at such times as beverage or liquor are being served or sold;
- (12) The holder of a performing arts facility cocktail lounge license shall have:
- a. A performing arts facility as defined by RSA 175:1, LII with audience seating for at least 50 patrons; and
  - b. Securable premises equipped with at least a portable service bar as defined by RSA 175:1, LXII, at such times as beverage or liquor are being served or sold on the premises of the performing arts facility;
- (13) The holder of a racetrack facility cocktail lounge license shall have:
- a. Either a pari-mutuel or commercial motor vehicle racetrack facility as defined in RSA 175:1, LVI;
  - b. A securable premises in a building on the premises of the race track facility, or in the case of a commercial motor vehicle race track facility licensed pursuant to RSA 178:22, V(n)(2), at least one securable beverage service facility and a beverage storage area that are secured when unattended;
  - c. Food service available to patrons; and
  - d. All service areas for alcoholic beverages other than the cocktail lounge defined by ropes, barriers or segregated in such a manner as to be clearly defined, with signs stating they are areas where alcoholic beverage service is allowed;
- (14) The holder of a racquet sports facility cocktail lounge license shall have:
- a. A racquet sports facility as defined in RSA 175:1, LVII; and
  - b. Securable premises in a building on the premises of the racquet sports facility;
- (15) The holder of a rail car cocktail lounge license shall have:
- a. A securable rail car as defined in RSA 175:1, LVIII licensed or inspected by the New Hampshire department of transportation or other applicable agency; and
  - b. The rail car coupled to the train in such a manner as not to require passengers under 18 years of age and unaccompanied by their parent or guardian to be seated or otherwise remain in the cocktail lounge;



- (16) The holder of a full service restaurant cocktail lounge license shall have:
- a. Permanent non-movable partitions separating the dining room(s) from the cocktail lounge(s); and
  - b. The cocktail lounge connected to the full service dining room by an interior connection or by a common foyer that is part of the licensed premises;
- (17) The holder of a ski area cocktail lounge license shall have:
- a. Either a cross country ski facility, or a downhill ski facility as defined by RSA 175:1, LXIV; and
  - b. Securable premises in a building on the contiguous property of the ski area or immediately adjacent to the property of the ski area;
- (18) The holder of a vessel cocktail lounge license shall have:
- a. A vessel as defined by RSA 175:1, LXV;
  - b. A service bar whether permanent or temporary at such times as beverage or liquor is being served or sold on the vessel; and
  - c. A securable area for the storage of their beverage and wine; and
- (19) The holder of a billiards/pool hall license shall have:
- a. Securable premises in a building open to the public in which the billiard/pool hall facility as defined by RSA 175:1, XI-b shall be housed;
  - b. Securable area(s) in the same building to house the cocktail lounge that shall be either the same area as a. above or accessible directly from that area; and
  - c. At least 12 regulation sized, non-coin operated, pool, billiard, pocket billiard, and/or snooker tables, or any combination thereof.

Source. (See Revision Notes #1 and #2 at chapter heading for Liq 700) #13114, eff 9-25-20

# Appendix B

## STORE LOCATIONS

STORE NUMBER	ADDRESS
1	80 Storrs Street Concord, NH
2	100B Route 9 West Chesterfield, NH
5	IGA Shopping Plaza 17 Pleasant Street Berlin, NH
6	Pick N Pay 738 Islington Street Portsmouth, NH
7	Globe Shopping Center 784 Meadow Street Littleton, NH
8	Claremont Market Place 367 Washington Street (Route 103) Claremont, NH
10	68 Elm Street Manchester, NH
11	12 Centerra Parkway Lebanon, NH
12	Route 25, 12 A Main Street Senter's Marketplace, Unit #1 Center Harbor, NH
13	481 High Street Somersworth, NH
14	Ridge Market Place 170 Market Place Blvd Unit #1 Rochester, NH
15	6 Ash Brook Court Keene, NH
16	Butson's Complex 1 Forest Street Woodsville, NH
18	16 Metallack Place Colebrook, NH
19	22 Ridge View Lane Plymouth, NH
20	Pinkerton Place Shopping Center 19 C Manchester Road Derry, NH
21	Peterborough Plaza Suite #1, 19 Wilton Road Peterborough, NH

STORE NUMBER	ADDRESS
22	44A, Route 13 Brookline, NH
23	234 White Mountain Highway Suite 9 Conway, NH
30	Market Basket Plaza 21 Jones Road, Ste #6 Milford, NH
31	850 Gold Street Manchester, NH
32	Westside Plaza 40 Northwest Blvd. Nashua, NH
33	North Side Plaza 1100 Bicentennial Drive Manchester, NH
34	Rockingham Mall 92 Cluff Crossing #4 Salem, NH
35	15 Antrim Road, Suite #1 Hillsboro, NH
37	Butson's Marketplace 199A Main Street Lancaster, NH
38	605 Route 1, Bypass South Portsmouth, NH
39	35 Center Street Wolfeboro Falls, NH
40	32 Ames Plaza Lane Unit #2 Walpole, NH
41	Southgate Plaza 380 Lafayette Road Units D & E Seabrook, NH
42	Old Province Common 71 Route 104 Meredith, NH
44	325 NH Route 104, Suite 11 New Hampton, NH
47	165 Main Street, Unit 6 Lincoln, NH
48	849 Brattleboro Road Hinsdale, NH

STORE NUMBER	ADDRESS
49	Market Basket Plaza 32 Plaistow Road, #2A Plaistow, NH
50	Willow Springs Plaza 294 DW Highway Nashua, NH
51	Route 38 Pelham, NH
52	Androscoggin Plaza 159 Main Street Gorham, NH
53	Market Basket Shopping Center Lowell Rd Hudson, NH
54	65 Route 302 Glen, NH
55	9 Leavy Drive Bedford, NH
56	18 Weirs Road Gilford, NH
57	Indian Mound Shopping Center 240 Rte 16B Center Ossipee, NH
58	Shop N Save Plaza 605 Mast Road Goffstown, NH
59	Merrimack Shopping Center 6 Dobson Way, Suite A Merrimack, NH
60	265 Plainfield Road West Lebanon, NH
61	137 Rockingham Road Londonderry, NH
62	Raymond Shopping Center 11 Freetown Road, Route 27 Raymond, NH
64	New London Shopping Center 293 Newport Road New London, NH
65	Center at Campton Corners 25 Vintinner Road Campton, NH
66	I-93 North Route 3A Hooksett, NH
67	I-93 South 25 Springer Road Hooksett, NH

STORE NUMBER	ADDRESS
68	Village Shopping Center 69 Lafayette Road North Hampton, NH
69	25 Coliseum Avenue Nashua, NH
71	60 Calef Highway Unit #4 Lee, NH
73	I-95 South Hampton, NH
74	Market Basket Plaza 16 Michele's Way, Unit #4 Londonderry, NH
76	I-95 North Hampton, NH
77	Cheshire Marketplace 493 US Route 202 Rindge, NH
79	5 Brickyard Square Epping, NH
81	Pembroke Crossing Plaza 619 Sand Road Pembroke, NH
82	14 Nichols Mills Lane Warner NH
83	929 Suncook Valley Road Epsom, NH
84	80 Market Street Tilton, NH
85	Exit 17 11 Merchants Way Concord, NH

AGENCY STORE NAME	ADDRESS
Country Corner Mile	Route 31 Greenville, NH 03048
Errol General Store	76 Main Street Errol, NH 03579
YGS LLC	2792 N Main Street Pittsburg, NH 03592