

CHAPTER Liq 500 RULES RELATING TO PARTICULAR LICENSEES

**Readopt with amendments Liq 506.09, effective 10-13-22 (Document #13461), to read as follows:**

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

(a) The following licensees shall seek approval under the standards below:

(1) Beverage vendor, brew pub, nano brewer, and beverage manufacturer licensees shall provide the commission with the required information, including any fees, on the following forms to receive approval for the brand of beverage, label content, and package size prior to shipping into or selling any beverage within the state:

- a. Form A-100 “Product Approval - Beverage Vendor” (revised 09/2022);
- b. Form A-101 “Product Approval - Beverage Manufacturer” (revised 09/2022);
- c. Form A-102 “Product Approval – Brew Pub” (revised 09/2022);
- d. Form A-103 “Product Approval - Nano Brewery” (revised 09/2022);
- e. Form A-104 “Product Approval - Variety Pack” (revised 09/2022); and
- f. Form A-105 “Temporary Registration of Beer and Specialty Beverage for Festival” (revised 09/2022);

(2) The commission shall approve the label and packaging unless:

- a. Statements on the label or packaging are false or misleading;
- b. Any written statements on the label or packaging are illegible;
- c. The packaging or labeling contains subliminal or similarly deceptive advertising techniques;
- d. The packaging or labeling features a depiction of athletes that is deceptive and misleading in that it implies that consuming alcohol is conducive to athletic skill or physical prowess, or that consuming alcohol does not hinder the athlete’s performance;
- e. The packaging or labeling features illustrations, subject matter, or other attributes that are consistent with products marketed toward children and youths;

*1. Notwithstanding the provisions of paragraph e, it shall not be the sole basis for denial by the commission that packaging or labeling features illustrations of a dessert(s).*

- f. The packaging or labeling features a depiction of consumption of an alcoholic beverage while seated in, about to enter, operating, or about to operate an automobile or other machinery;
- g. An aspect of the packaging or labeling normalizes or encourages excessive drinking;

h. The packaging or labeling does not indicate in manner that is sufficiently clear that the product contains alcohol; or

i. The packaging or labeling used might result in confusion regarding whether the product is an alcoholic beverage;

(b) The commission shall not be responsible for copyright or trademark infringement;

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

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

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

a. Form A-101 "Product Approval - Beverage Manufacturer";

b. Form A-102 "Product Approval – Brew Pub; and

c. Form A-103 "Product Approval – Nano Brewery";

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

a. Authorized under their license type; and

b. Brewed on-site for on-premises and off-premises sales in pre-approved generic containers and labels;

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

a. The notification field shall not be selected by beverage manufacturers for cider, mead, or fermented beverages or similar fermented products over 6%, specialty beers over 12% or specialty beverages over 6%;

b. The notification field shall not be selected by brew pubs for any cider over 6% or a specialty beer over 12%; and

c. The notification field shall not be selected by nano breweries for any specialty beer over 12%; and

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

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

Appendix

Liq 506.09	RSA 179:31 and RSA 179:33
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