

§1052-D. Taste-testing event license

1. Taste-testing event license. One or more certificate of approval holders, wholesale licensees or spirits suppliers may apply jointly in any combination for a license to participate in a taste-testing event subject to the conditions prescribed by this section.

[PL 2021, c. 658, §168 (AMD).]

2. Sponsored manufacturers. For the purposes of this section, "sponsored manufacturer" means a manufacturer without a license or certificate of approval that is sponsored by a person licensed under subsection 1.

A sponsored manufacturer licensed in another state may participate in the taste-testing event in the same manner and subject to the same conditions as a person licensed under subsection 1 if:

A. The sponsored manufacturer provides a copy of state and federal licenses or permits authorizing the manufacture of liquor; and [PL 2021, c. 658, §168 (AMD).]

B. The sponsored manufacturer is included on the application for the taste-testing event license. [PL 2013, c. 531, §4 (NEW).]

Nothing in this section prohibits a person licensed under subsection 1 from sponsoring more than one sponsored manufacturer.

[PL 2021, c. 658, §168 (AMD).]

3. Application. An applicant for a taste-testing event license shall submit a written application to the bureau no later than 15 calendar days prior to the first day of the taste-testing event. The application must include the following:

A. The name and address of each applicant; [PL 2013, c. 531, §4 (NEW).]

B. The title and purpose of the taste-testing event; [PL 2013, c. 531, §4 (NEW).]

C. The date, time and duration of the taste-testing event; [PL 2013, c. 531, §4 (NEW).]

D. The address and location of the taste-testing event including a description of the area designated for the taste-testing event; [PL 2013, c. 531, §4 (NEW).]

E. The names of each sponsored manufacturer that intends to take part in the taste-testing event and the name of the certificate of approval holder or manufacturer that has agreed to be the manufacturer's sponsor; [PL 2021, c. 658, §168 (AMD).]

F. The sample size and overall sample limit that will be imposed for each day of the taste-testing event consistent with the requirements in subsection 7, paragraph C; and [PL 2013, c. 531, §4 (NEW).]

G. Approval by the municipal officer or a municipal official designated by the municipal officers of the municipality where the taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice. [PL 2013, c. 531, §4 (NEW).]

[PL 2021, c. 658, §168 (AMD).]

4. Fee. The license fee for a taste-testing event license is \$20 for each person licensed under subsection 1 and each sponsored manufacturer participating in the taste-testing event.

[PL 2021, c. 658, §168 (AMD).]

5. Ruling on application. Upon receipt of an application under subsection 3, the bureau shall immediately approve or deny the application. The bureau shall advise applicants that the license may be suspended or revoked under chapter 33.

[PL 2013, c. 531, §4 (NEW).]

6. Up to 10 licensed events per year; one event per license. A person eligible for a license under subsection 1 may obtain up to 10 licenses under this section per calendar year. Each license permits a taste-testing event lasting up to 4 consecutive days.

[PL 2021, c. 658, §168 (AMD).]

7. Conditions. The following conditions apply to taste-testing events licensed under this section.

A. A person may not be charged a fee, except the fee for admission, for any malt liquor, wine or spirits that are offered for taste testing at the event. [PL 2021, c. 658, §168 (AMD).]

B. The venue for the taste-testing event may not be currently licensed to serve any type of liquor for on-premises consumption. If the venue is currently licensed for on-premises consumption, the bureau shall temporarily suspend the authority of the on-premises retail licensee to sell liquor for on-premises consumption in the area designated for the taste-testing event. Notwithstanding paragraph A, the on-premises retail licensee may sell liquor for on-premises consumption outside the area designated for the taste-testing event. [PL 2021, c. 658, §168 (AMD).]

C. A licensee under this section shall limit the size of samples provided for tasting to 4 ounces of malt liquor, 1 1/2 ounces of wine and 1/2 ounce of spirits. A licensee shall limit the total number of samples to 12 per day, per person, except that:

(1) The 12-sample limit does not apply when the licensee provides a variety of substantial food offerings to patrons of the taste-testing event. For the purposes of this subparagraph, "substantial food" does not include offerings such as prepackaged snacks, pretzels, peanuts, popcorn or chips; and

(2) The sample-size and 12-sample limit do not apply when a licensee includes, as part of a taste-testing event, a multicourse sit-down meal designed to pair food with complementing liquor. This exception applies only at a taste-testing event that is designed to promote the food and beverage or hospitality industry at which at least 50% of the vendors represent and promote a business other than the manufacture or distribution of liquor. [PL 2021, c. 658, §168 (AMD).]

D. A licensee under this section shall record the number of patrons admitted to the taste-testing event by requiring patrons to submit a ticket or sign a register or by employing some similar method of tracking attendance. [PL 2021, c. 658, §168 (AMD).]

E. Points of entry to the taste-testing venue must be clearly defined and monitored to ensure consumption takes place only within the designated area of the taste-testing event. [PL 2013, c. 531, §4 (NEW).]

F. A minor is prohibited from attending the taste-testing event unless accompanied by a parent or guardian or unless the alcohol served at the taste-testing event is confined to a segregated area from which minors are prohibited. [PL 2013, c. 531, §4 (NEW).]

G. Malt liquor, wine or spirits for taste testing may not be poured in advance and made available for patrons of the taste-testing event to serve themselves. [PL 2013, c. 531, §4 (NEW).]

H. A person who is visibly intoxicated may not be served. [PL 2013, c. 531, §4 (NEW).]

I. A person licensed under subsection 1 may provide for taste testing any malt liquor or wine that the licensee manufactures or distributes that is registered and authorized for distribution and sale under this Title or any spirits that the licensee manufactures or distributes that are listed for sale by the commission. Excise taxes for malt liquor and wine under section 1652 must be paid before the scheduled date of the taste-testing event. [PL 2021, c. 658, §168 (AMD).]

J. A sponsored manufacturer may, for the purpose of promoting spirits, wine or malt liquor for distribution and sale in the State, provide for taste testing any spirits, wine or malt liquor that the sponsored manufacturer manufactures outside the State and that has been registered with the United

States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. All containers of spirits, wine or malt liquor served in accordance with this paragraph, including empty containers, must be removed from the State following the taste-testing event. All spirits, wine and malt liquor provided for the taste-testing event under this paragraph are subject to excise taxes under section 1652 and premiums, when applicable, under section 1703. [PL 2021, c. 658, §168 (AMD).]

K. Each person licensed under subsection 1 and each participating sponsored manufacturer described under subsection 2 shall make available to the bureau or local law enforcement agency upon request a list of the persons designated by the respective licensee to serve malt liquor, wine or spirits for taste testing at the event. The list must be accompanied by an affidavit attesting that no person designated to serve alcohol for taste testing has been found to have violated any state or federal law prohibiting the sale or furnishing of alcohol to a minor. [PL 2021, c. 658, §168 (AMD).]

L. Each person licensed under subsection 1 and each participating sponsored manufacturer described under subsection 2 shall provide to a person designated to serve malt liquor, wine or spirits for taste testing a badge or similar means of identification that clearly identifies the name of the licensee or sponsored manufacturer. The badge or similar means of identification must be worn in a manner so that it is conspicuous and clearly visible to a person being served. [PL 2021, c. 658, §168 (AMD).]

[PL 2021, c. 658, §168 (AMD).]

8. Information to be provided by the bureau. The bureau shall develop an informational pamphlet or similar document that is posted on the bureau's publicly accessible website describing the conditions that apply to the conduct of a taste-testing event, including generally applicable laws and rules that are not described in this section. The bureau shall consider commonly cited violations from similar events that have been conducted in the State when developing the informational pamphlet or similar document.

[PL 2013, c. 531, §4 (NEW).]

9. Retail sales for off-premises consumption. Notwithstanding any provision of this Title to the contrary, a licensed in-state brewery, small brewery, winery, small winery, distillery or small distillery may sell for off-premises consumption at a taste-testing event under this section malt liquor, wine or spirits manufactured in the State by the licensee under the following conditions.

A. Malt liquor, wine or spirits for retail sale must be prepackaged and sold by the bottle or case. A sale must be accompanied by a sales receipt. [PL 2021, c. 658, §168 (NEW).]

B. Spirits sold by a distillery are subject to the listing, pricing and distribution provisions of this Title. Spirits sold by a small distillery may be sold in the same manner as permitted under section 1355-A, subsection 5, paragraph G. [PL 2021, c. 658, §168 (NEW).]

[PL 2021, c. 658, §168 (NEW).]

SECTION HISTORY

PL 2013, c. 531, §4 (NEW). PL 2019, c. 404, §§20-25 (AMD). PL 2021, c. 658, §168 (AMD).

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