

§709. Prohibition of certain practices**1. Certain practices prohibited.** The following practices are prohibited.

A. A licensee, employee of a licensee or agent of a licensee may not:

- (1) Offer or deliver any free liquor to any person or group of persons;
- (2) Deliver more than 4 1/2 ounces of spirits, a carafe containing more than one liter or 33.8 ounces of wine or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor to one person at one time;
- (3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;
- (4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or
- (5) Engage in any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess. [PL 2019, c. 404, §14 (AMD).]

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A. This paragraph does not prohibit a licensee or employee or agent of a licensee from including the alcohol content of malt liquor, wine or spirits in an advertisement or on a label, or in a display on an advertisement or label, if the alcohol content is expressed as a percentage of alcohol by volume. [PL 2013, c. 504, §1 (AMD).]
[PL 2019, c. 404, §14 (AMD).]

2. Exceptions. Subsection 1 does not prohibit the following practices:

- A. Licensees offering free food or entertainment either with or without the purchase of one drink; [PL 1987, c. 45, Pt. A, §4 (NEW).]
- B. Licensees increasing the prices for drinks when entertainment is provided; [PL 1987, c. 45, Pt. A, §4 (NEW).]
- C. Licensees including a drink as part of a meal package; [PL 1987, c. 45, Pt. A, §4 (NEW).]
- D. The sale or delivery of wine, malt liquor or mixed drinks by the bottle, carafe or pitcher when sold with meals or to more than one person; [PL 1987, c. 342, §45 (AMD).]
- E. Those licensed under section 1052-D offering free samples or tastings; [PL 2013, c. 531, §1 (AMD).]
- F. Licensed hotels or bed and breakfasts offering room service to hotel guests or bed and breakfast guests, respectively; [PL 2021, c. 658, §103 (AMD).]
- G. Licensees offering reduced prices for prearranged private parties on the premises of the licensee; [PL 2005, c. 319, §1 (AMD).]
- H. Licensees whose licensed premises include more than one room charging different prices for the same drink served in the different rooms; [PL 2011, c. 629, §13 (AMD).]
- I. Conducting taste testing under section 460, 1051, 1205, 1207, 1368 or 1402; [PL 2021, c. 658, §104 (AMD).]
- J. Providing samples authorized under section 1055, 1355-A, 1402-A or 1504; [PL 2021, c. 658, §105 (AMD).]
- K. Donations authorized under section 708-C; [PL 2023, c. 103, §1 (AMD).]
- L. [PL 2021, c. 658, §107 (RP).]

M. Product supplied by licensees authorized under section 1052-D for the purposes of providing taste-testing samples under a taste-testing event license; or [PL 2023, c. 103, §2 (AMD).]

N. A restaurant, Class A restaurant or Class A restaurant/lounge giving, serving or permitting to be served a bottle of wine as authorized under section 1051, subsection 10. [PL 2023, c. 103, §3 (NEW).]

[PL 2023, c. 103, §§1-3 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §45 (AMD). PL 1993, c. 266, §16 (AMD). PL 1997, c. 501, §2 (AMD). PL 1999, c. 275, §1 (AMD). PL 2005, c. 319, §§1,2 (AMD). PL 2011, c. 259, §1 (AMD). PL 2011, c. 629, §§12-15 (AMD). PL 2013, c. 504, §1 (AMD). PL 2013, c. 531, §1 (AMD). PL 2015, c. 142, §§1, 2 (AMD). PL 2015, c. 214, §§4, 5 (AMD). PL 2015, c. 494, Pt. A, §§32-34 (AMD). PL 2019, c. 404, §14 (AMD). PL 2021, c. 658, §§103-107 (AMD). PL 2023, c. 103, §§1-3 (AMD).

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