

Section 179:10

179:10 Unlawful Possession and Intoxication. –

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of \$300. Any second and subsequent offense shall be fined at least \$600. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

II. Except for persons convicted on the basis of intoxication, any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.

Source. 1990, 255:1. 1998, 167:8, eff. July 1, 1998. 2002, 256:1, eff. Jan. 1, 2003. 2005, 177:47, eff. July 1, 2005.

Section 179:23

179:23 Employment; Employment of Minors; Felon Exception. –

I. No licensee shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverages, except that off-premises licensees may employ minors of not less than 15 years of age when beverages or wine is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller. To act as a cashier in a selling capacity a minor shall be at least 16 years of age, providing a person at least 18 years of age is in attendance and is designated in charge of the employees and business.

II. An on-premises licensee may employ any person not less than 18 years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, bartender, or hostess in a licensed premises. Minors not less than 15 years of age may be employed in dining areas and minors not less than 16 years of age may be employed in lounge areas to clean tables, remove empty containers and glasses, and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

III. The provisions of this section shall in no way prohibit an on-premises or off-premises licensee from employing persons 18 years of age or older to sell, serve, or otherwise handle or be left in charge of the employees and the business.

IV. Each licensee shall designate one or more persons to be in charge of the premises. Each designated person in charge shall file an affidavit with the commission attesting to the fact such person is 18 years of age or older and has not been convicted of a felony. For the purposes of this section, any corporate officer or member of a limited liability company shall be deemed to be a person in charge of the licensed premises. For the purposes of this section, any person designated as a person in charge by a licensee shall

be considered so designated for all licenses held by the licensee. The commission shall maintain records of all affidavits filed by licensees.

V. Notwithstanding paragraph IV, the commission may in its discretion approve the designation of any person who has been convicted of a felony as a person to be in charge of the premises, provided that not less than 6 months shall have passed since such person was placed on parole or probation and that during this interim period such person shall have led an exemplary life and not have been convicted of any further crime excluding minor traffic violations. The commission shall periodically review the status of such person in respect to the continuance of his or her good behavior and may revoke, in its discretion, the approval for designation as a person to be in charge of the premises granted under this section.

VI. Notwithstanding paragraph V, a licensee may employ a person convicted of a felony to sell, serve, or otherwise handle alcoholic beverages in a non-managerial capacity for a period of 60 days without meeting the provisions of paragraph V. A convicted felon employed under this section shall not be allowed to work longer than 60 days without the licensee complying with the provisions of paragraph V. Any licensee knowingly employing a person convicted of a felony to serve alcoholic beverages longer than 60 days without obtaining a waiver under paragraph V shall be fined not more than \$50 per day for each day of employment beyond 60 days.

Source. 1990, 255:1. 1992, 227:3. 1993, 88:1. 1998, 167:9. 2000, 253:1, eff. July 12, 2000. 2003, 231:23, eff. July 1, 2003.

Section 179:44

179:44 Free Drinks. –

I. No licensee shall give away free drinks to customers, patrons, members or guests, in any manner.

II. Notwithstanding the above, beverage manufacturers, beverage vendors, brew pubs, wholesale distributors and their liquor or wine vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises.

III. Liquor, beverage, or wine samples shall be consumed on the premises, and liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as prescribed by this title.

IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor, beverage, and wine tasting within the state.

V. All samples furnished for tasting shall be considered sales for the requirements of RSA 178:26.

Source. 1990, 255:1. 1995, 122:1. 1996, 44:1; 275:31; 275:36, eff. June 23, 1996. 2003, 231:33, 34, eff. July 1, 2003.

Section 179:62

179:62 Manufacture, Sale, and Possession of False Identification. –

I. No person shall knowingly manufacture, sell, advertise for sale, solicit orders for, deliver or cause to be delivered, or produce in any manner any photographic identification card that purports to be an official document issued by a local, state, or federal government, or any political subdivision thereof, which contains false or inaccurate information regarding the name, address, date of birth, or height and weight characteristics of the cardholder. A person who violates this paragraph shall be guilty of:

(a) A misdemeanor.

(b) A class B felony if such person has had 2 or more prior convictions in this state or another state for the conduct described in this paragraph.

(c) A class B felony if such person is engaged in the business of manufacturing, selling, advertising for sale, soliciting orders for, delivering, or causing to be delivered photographic identification cards in violation of this paragraph.

II. In this section, "engaged in the business" means manufacturing, selling, advertising for sale, soliciting orders for, delivering, or causing to be delivered 5 or more photographic identification cards in violation of paragraph I.

III. No person shall possess a photographic identification card that purports to be an official document issued by a local, state, or federal government, or any political subdivision thereof, which contains false or inaccurate information regarding the name, address, date of birth, or height and weight characteristics of the card holder. Any person who violates this paragraph shall be guilty of a misdemeanor.

IV. Interests in any tools, instruments, computer or computerized records, products, and equipment of any kind, or other paraphernalia used in the manufacture, sale, advertising for sale, delivery, or solicitation of any order for sale, of a false identification card, shall, upon petition of the attorney general, be subject to forfeiture to the state and shall be vested in the state.

Source. 1998, 374:2, eff. Jan. 1, 1999.

Section 179:9

179:9 Person Misrepresenting Age. –

I. A person who falsely represents his age for the purpose of procuring liquor or beverage and who procures such liquor or beverage shall be guilty of a misdemeanor. Any person who violates any of the provisions of this section shall be fined for his first offense a minimum of \$500. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. A second or subsequent offense shall carry a \$1,000 minimum fine.

II. Notwithstanding paragraph I or any other law to the contrary, any person who possesses or uses or displays in any manner a false identification card, document, license, or any other document which represents such person's age for the purpose of purchasing liquor, beverages, or beer as defined in RSA 175:1 by the bottle, can, glass, container, or drink in any manner shall be fined a minimum of \$500. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. The

provisions of this paragraph do not reduce the maximum penalty which could be imposed for such an offense pursuant to paragraph I. A second or subsequent offense shall carry a \$1,000 minimum fine.

III. An identification card issued under the provisions of RSA 260:21 shall be withdrawn for violation of this section for 90 days. In addition, the director of the division of motor vehicles shall withdraw, for 90 days, the identification card of any person who allows his card to be used or displayed by another person for the purpose of purchasing liquor or beverages as defined in RSA 175:1.

Source. 1990, 255:1. 1996, 275:17, eff. June 10, 1996. 2002, 107:1, eff. Jan. 1, 2003.

Section 175:6

175:6 Transportation of Liquor. –

I. No person shall transport liquor in this state in a greater quantity than 3 quarts, unless said liquor was purchased from a state store, from a direct shipper, from a holder of a combination or retail wine license in accordance with RSA 178:18, and RSA 178:19 or from a winery holding a limited winery special sales license in accordance with RSA 178:8. Provided, however, that the commission in its discretion may grant to an individual, upon application, a license to transport for a specific journey liquor not purchased at a state store for the person's own personal use, in a quantity not to exceed 3 gallons. Quantities exceeding 3 gallons may be transferred with a license issued by the commission providing a fee of 25 percent of the entire value of the product is paid to the commission. It shall be lawful for common carriers to transport liquor to state stores, to state warehouses, to licensees under this title, to purchasers of liquor at state stores, and from manufacturers to state warehouses, state stores, and to the state line for transportation outside the state; for licensees under this title to transport liquor from state stores to their place of business; and for manufacturers to transport within the state to state warehouses and state stores and to the state line for transportation outside the state.

II. Upon written authorization from the commission it shall be lawful for any out-of-state wholesaler of liquor or any licensed liquor vendor, wine vendor, liquor manufacturer rectifier, or domestic wine manufacturer to pick up from, transport, and deliver liquor or table wines, as applicable, to any commission warehouse, to any other licensed warehouse, to the state line, or to their place of business.

III. Notwithstanding any other law to the contrary, with written authorization from the commission, a liquor and wine representative or such representative's liquor and wine salesperson may pick up liquor or table wines that were ordered by a retail licensee from the commission and transport and deliver that order to the retailer's place of business from in-state warehouses.

Source. 1990, 255:1. 1992, 147:1. 1996, 275:10. 1998, 331:3, eff. July 1, 1998. 2003, 231:10, eff. July 1, 2003.