§1201-B. Transfer of wine between retail locations

1. Definition. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Approved retailer" means a retailer licensed to sell wine for off-premises consumption that has received approval to sell or transfer wine to a commonly owned retail licensee under subsection 3. [PL 2021, c. 546, §2 (NEW).]

B. "Commonly owned retail licensee" means, with respect to a retailer licensed to sell wine for off-premises consumption, another retailer licensed to sell wine for off-premises consumption if the same person or persons hold a majority ownership interest in both retailers. [PL 2021, c. 546, §2 (NEW).]

[PL 2021, c. 546, §2 (NEW).]

2. Authority to transfer wine between retail locations. Notwithstanding section 1201, subsection 3-A and any other provision of this Title to the contrary, an approved retailer may sell or transfer wine by the case or by the bottle to a commonly owned retail licensee under the following conditions:

A. The approved retailer licensed and any commonly owned retail licensee to which wine is transferred or sold must be located within the territory that has been allocated under section 1401, subsection 8 to a single wholesale licensee for the purposes of making wholesale sales of the specific wine product being sold or transferred; [PL 2021, c. 546, §2 (NEW).]

B. The approved retailer and any commonly owned retail licensee to which wine is transferred or sold must share an electronic inventory tracking system capable of identifying which retailer has possession of the case or bottle of wine at all times; and [PL 2021, c. 546, §2 (NEW).]

C. The approved retailer shall if necessary designate an area of the licensed premises to which customers do not have access of no more than 750 square feet for the storage of wine and may not store wine in any other area or facility. [PL 2021, c. 546, §2 (NEW).]

[PL 2021, c. 546, §2 (NEW).]

3. Application; approval. A retailer licensed to sell wine for off-premises consumption shall seek approval from the bureau, on a form designated by the bureau, in advance of making an initial sale or transfer of wine to a commonly owned retail licensee under subsection 2. The bureau may not approve an application under this subsection unless the retailer provides sufficient information for the bureau to determine:

A. That each sale or transfer of wine from the retailer to a commonly owned licensee will satisfy the requirements of subsection 2, paragraph A; [PL 2021, c. 546, §2 (NEW).]

B. That the retailer's electronic inventory tracking system satisfies the requirements of subsection 2, paragraph B; [PL 2021, c. 546, §2 (NEW).]

C. That the retailer's storage of wine satisfies the requirements of subsection 2, paragraph C; and [PL 2021, c. 546, §2 (NEW).]

D. That the retailer has a safe and secure method for transferring wine to a commonly owned retail licensee. [PL 2021, c. 546, §2 (NEW).]

The bureau may not approve an application under this subsection from a retailer licensed to sell wine for off-premises consumption if the bureau has already approved an application under this subsection from one of the retailer's commonly owned retail licensees.

[PL 2021, c. 546, §2 (NEW).]

4. Modification. An approved retailer shall submit a modified application, on a form designated by the bureau, and must receive approval from the bureau prior to:

A. Making an initial sale or transfer of wine products not included in the initial application submitted under subsection 3 or a previously approved modified application under this subsection; or [PL 2021, c. 546, §2 (NEW).]

B. Making an initial sale or transfer of wine to a commonly owned licensee not identified in the initial application submitted under subsection 3 or a previously approved modified application under this subsection. [PL 2021, c. 546, §2 (NEW).]

The bureau may not approve an application under this subsection unless the bureau determines that the approved retailer will continue to meet the requirements of subsection 3 if the modification is approved. [PL 2021, c. 546, §2 (NEW).]

5. Penalty. In addition to any penalty that may be imposed under chapter 33, the bureau may prohibit a retailer licensed to sell wine for off-premises consumption that violates any provision of this section or of any rule adopted by the bureau to implement this section from engaging in the activities authorized by subsection 2.
[PL 2021, c. 546, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 546, §2 (NEW).

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