§1201. Issuance of licenses; stock of merchandise

1. Licenses for sale of malt liquor and wine. The bureau may issue licenses under this section for the sale and distribution of malt liquor or wine to off-premises retail licensees, as defined in section 2, subsection 27, paragraph A.
[PL 2021, c. 658, §208 (AMD).]

2. Ineligible as licensee. The bureau may not issue a license for the sale of malt liquor or wine to any person who is not engaged in a bona fide retail business other than the sale of malt liquor or wine at retail.
[PL 1997, c. 373, §105 (AMD).]

3. Cannot sell liquor to be consumed on the premises. Except as provided in section 1207, a person licensed under this section may not sell malt liquor or wine to be consumed on the premises.
[PL 2009, c. 438, §3 (AMD).]

3-A. Sale or transfer of malt liquor or wine for off-premises consumption to retailer prohibited. A person licensed under this section, or an agent or employee of the person, may not knowingly sell or transfer malt liquor or wine to another retailer for resale except as provided in section 606 or 1201-B.
[PL 2021, c. 546, §1 (AMD).]

3-B. Weekend sale of malt liquor to on-premises retailers. Notwithstanding any other provision of this Title to the contrary, a retailer licensed under this section for off-premises consumption may sell and deliver malt liquor to a retailer licensed under section 1051 for on-premises consumption on the weekend during the authorized hours for the wholesale sale and delivery of liquor set forth in section 4, subsection 1, paragraph D under the following conditions:

A. The retailer licensed for on-premises consumption shall provide immediate notification in a form prescribed by the bureau by the 2nd business day after making a purchase under this subsection; [PL 2019, c. 122, §1 (NEW).]

B. The retailer licensed for on-premises consumption shall provide immediate notification to the wholesaler licensed under section 1401 that supplies malt liquor to that retailer that the retailer purchased malt liquor from an off-premises licensee in the wholesaler's assigned territory; [PL 2019, c. 122, §1 (NEW).]

C. The retailer licensed for on-premises consumption may not purchase more than 10 gallons of malt liquor on a single weekend and shall purchase the malt liquor from a retailer licensed for off-premises consumption that is located in the same sales territory as the wholesaler licensed under section 1401 that supplies malt liquor to the retailer licensed for on-premises consumption; [PL 2019, c. 122, §1 (NEW).]

D. The requirements of section 705, subsection 1 apply to purchases of malt liquor under this subsection; and [PL 2019, c. 122, §1 (NEW).]

E. The retailer licensed for on-premises consumption may not purchase malt liquor under this subsection on more than 2 weekends in a single calendar year. [PL 2019, c. 122, §1 (NEW).]

For the purposes of this subsection, "weekend" means the time period between 4:00 p.m. Friday and midnight Sunday.
[PL 2019, c. 122, §1 (NEW).]

4. Licenses in unincorporated places where no local option vote is taken. Licenses in an unincorporated place, where no local option vote is taken under chapter 5, must be approved by the county commissioners of the county.
[PL 1987, c. 45, Pt. A, §4 (NEW).]

5. Qualifications. The bureau may not issue any licenses for new premises unless:

A. The premises have been in operation for a period of at least 3 months immediately before the date of the application; or [PL 1997, c. 373, §107 (AMD).]

B. The applicant proves to the satisfaction of the bureau that all proper standards and requirements of laws and rules of the bureau have been met and that the applicant is a resident of the State. [PL 1997, c. 373, §107 (AMD).]

[PL 1997, c. 373, §107 (AMD).]

6. Stock of groceries or compatible merchandise required. All off-premises retail licensees must have and maintain:

A. An adequate stock of groceries fit for human consumption of at least $1,000 wholesale value; [PL 1987, c. 342, §103 (RPR).]

B. A stock of merchandise reasonably compatible with a stock of malt liquor or wine of at least $1,000 wholesale value; or [PL 1987, c. 342, §103 (RPR).]

C. A combination of both groceries fit for human consumption and compatible merchandise of at least $1,000 wholesale value. [PL 1987, c. 342, §103 (RPR).]

[PL 2021, c. 658, §209 (AMD).]

7. Compatible merchandise. Each licensee shall display the groceries or compatible merchandise, or both, in the general sales area of the licensed premises, except that foodstuffs and other consumable products used in the preparation of food and cut flowers and potted flowers are not required to be displayed if they are stored elsewhere on the premises. Compatible merchandise:

A. Includes:

(1) Tobacco products;

(2) Newspapers;

(3) Greeting cards;

(4) Paper products;

(5) Cut flowers and potted flowers;

(5-A) Glasses, stemware, china and devices designed to open containers of wine and malt liquor;

(6) A stock of foodstuffs and other consumable products used on the premises in the preparation of food for on-premises or off-premises consumption; and

(7) Other items equally compatible with a stock of malt liquor or wine; and [PL 2021, c. 658, §210 (AMD).]

B. Does not include:

(1) Gasoline and oil;

(2) Used or new cars, parts or accessories; or

(3) Other items of stock that may be equally incompatible in nature. [PL 1987, c. 342, §104 (RPR).]

[PL 2021, c. 658, §210 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §§102-104 (AMD). PL 1993, c. 266, §21 (AMD). PL 1997, c. 373, §§105-107 (AMD). PL 2005, c. 193, §1 (AMD). PL 2009, c. 438, §3 (AMD).

PL 2013, c. 368, Pt. V, §41 (AMD). PL 2013, c. 476, Pt. A, §26 (AMD). PL 2019, c. 122, §1 (AMD). PL 2021, c. 546, §1 (AMD). PL 2021, c. 658, §§208-210 (AMD).

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