§714. Malt liquor sales in kegs

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

A. [PL 2019, c. 46, §3 (RP).]

B. "Off-premises licensee" means a licensee licensed to sell liquor for consumption off the premises. [PL 1991, c. 543 (NEW).]

[PL 2019, c. 46, §3 (AMD).]

2. Right of sale and purchase. The bureau may not deny the wholesale and retail sale of malt liquor in a keg or any fraction of a keg to a purchaser entitled to purchase malt liquor.

[PL 1993, c. 730, §34 (AMD).]

3. Tagging requirement. The sale of malt liquor in kegs is subject to the following.

A. Every keg of malt liquor offered for sale by an off-premises retail licensee, referred to in this subsection as "the seller," must be tagged in a manner approved by the commissioner identifying the keg and be labeled in accordance with the requirements of section 6-A. The tag must be supplied for each keg, without fee, by the wholesaler of the keg or the small brewery that produced the keg. [PL 2021, c. 658, §110 (AMD).]

B. The seller of the keg shall complete a form designed and approved by the commissioner and affix the tag to each keg supplied to the retail seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler of the keg or the small brewery that produced the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31. [PL 2021, c. 658, §110 (AMD).]

C. The seller of the keg shall require positive identification of the purchaser. [PL 1991, c. 543 (NEW).]

D. The seller of the keg may require a deposit of up to $50 from the purchaser of the keg, regardless of the size of the keg. The seller shall refund the deposit to a person who returns a properly tagged keg purchased from that seller. [PL 1991, c. 543 (NEW).]

E. The seller shall inform the purchaser that if the tag is defaced or missing when the keg is returned the deposit is forfeited. [PL 2021, c. 658, §110 (AMD).]

F. The seller may retain a deposit forfeited and use the funds forfeited for local school-based alcohol education programs or for any other purpose. [PL 2021, c. 658, §110 (AMD).]

[PL 2021, c. 658, §110 (AMD).]

4. Civil violation; possession of unlabeled keg. In addition to any other penalties imposed by law, a person possessing an unlabeled keg purchased in this State after the effective date of this section commits a civil violation for which a forfeiture of $500 must be adjudged.

[PL 1991, c. 543 (NEW).]

5. Criminal penalty; removal or defacing of tag. A person commits defacing or removal of a malt liquor keg tag if that person defaces or removes from a keg a tag required by this section. Defacing or removal of a malt liquor keg tag is a Class E crime. If a person who purchased a properly tagged keg returns the keg without a tag or with a defaced tag, that person is presumed to have removed or defaced the tag.

[PL 1991, c. 543 (NEW).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1991, c. 543 (RPR). PL 1993, c. 266, §17 (AMD). PL 1993, c. 730, §§34,35 (AMD). PL 2003, c. 451, §T11 (AMD). PL 2017, c. 167, §14 (AMD). PL 2019, c. 46, §§3, 4 (AMD). PL 2021, c. 658, §110 (AMD).

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