

§1504. Samples of spirits products

A person licensed under section 1502 as a sales representative for a spirits supplier may give a retail licensee samples of spirits under the following conditions: [PL 2021, c. 658, §260 (AMD).]

1. Invoice required. The spirits must be accompanied by an invoice; [PL 2021, c. 658, §260 (AMD).]

2. Product registered. The spirits must be listed by the commission for sale in this State and clearly labeled as a sample; [PL 2021, c. 658, §260 (AMD).]

3. Taxes paid. [PL 2019, c. 404, §28 (RP).]

3-A. Partial-bottle spirits samples. [PL 2021, c. 658, §260 (RP).]

4. Sampling record; prohibited recipients. The sales representative who provides the sample shall maintain a log stating the names of the agency liquor store or on-premises retail licensee to whom a full-bottle sample is given under subsection 5 or the person to whom a partial-bottle sample of spirits is given under subsection 6 and the amount of that partial-bottle sample. The person to whom the sales representative gives spirits samples under this section may not be a minor or a visibly intoxicated person; [PL 2021, c. 658, §260 (AMD).]

5. Full-bottle samples. The maximum amount of unopened full-bottle samples of spirits given to a retail licensee by a sales representative may not exceed 6 liters per year per distillery represented by that sales representative. Individual samples may not exceed one liter. A full-bottle sample is an unopened bottle of spirits provided to an agency liquor store or an on-premises retail licensee licensed to sell spirits; [PL 2021, c. 658, §260 (AMD).]

6. Partial-bottle samples. Bottles of spirits designated for partial-bottle sampling must be properly sealed between samplings. Samples poured from a bottle of spirits designated for partial-bottle sampling may be provided only:

A. On the premises of a retailer licensed to sell spirits for on-premises consumption to the owner of or a supervisory or managerial employee of the retailer; or [PL 2021, c. 658, §260 (NEW).]

B. On the premises of an agency liquor store to the owner of or a supervisory or managerial employee of the agency liquor store; [PL 2021, c. 658, §260 (NEW).]

[PL 2021, c. 658, §260 (AMD).]

7. Records maintained. Records of samples given or received under this section must be maintained for a 2-year period by the sales representative and the retail licensee that gave or received the samples; and

[PL 2021, c. 658, §260 (AMD).]

8. Access to samples. A sales representative shall request samples from bailment inventory of a spirits supplier housed at the wholesale spirits provider's warehouse for the purposes described under this section.

[PL 2021, c. 658, §260 (AMD).]

SECTION HISTORY

PL 2007, c. 113, §1 (NEW). PL 2007, c. 695, Pt. E, §1 (AMD). PL 2011, c. 629, §§31, 32 (AMD). PL 2017, c. 35, §2 (AMD). PL 2019, c. 404, §28 (AMD). PL 2021, c. 658, §260 (AMD).

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