

§1361. Certificate of approval; malt liquor or wine

1. Certificate of approval required. An out-of-state manufacturer or out-of-state wholesaler of malt liquor or wine may not engage in the following activities unless the manufacturer or wholesaler has obtained a certificate of approval from the bureau in accordance with this section:

A. Offer malt liquor or wine for sale in the State or sell malt liquor or wine in the State; or [PL 2021, c. 658, §227 (NEW).]

B. Transport into or cause to be transported into the State malt liquor or wine for sale or resale in the State. [PL 2021, c. 658, §227 (NEW).]

[PL 2021, c. 658, §227 (AMD).]

2. Fee for certificate of approval. The fee for a certificate of approval under this section is \$1,000 per year for malt liquor only and \$1,000 per year for wine only, except that the fee for an out-of-state manufacturer or out-of-state wholesaler of wine or malt liquor that ships 120 gallons of wine or malt liquor or less per year is \$100. Payment of the fee must accompany the application for the certificate of approval.

[PL 2021, c. 658, §227 (AMD).]

3. Conditions on certificate of approval. A certificate of approval under this section is subject to the laws of the State and the rules of the bureau.

A. [PL 2021, c. 658, §227 (RP).]

[PL 2021, c. 658, §227 (AMD).]

4. No sales of malt liquor or wine to person without wholesale license. Except as otherwise authorized in sections 2073-C, 2073-D and 2073-E, a certificate of approval holder may not sell malt liquor or wine to a person that is not a wholesale licensee or cause malt liquor or wine to be transported into the State for sale to any person that is not a wholesale licensee.

Malt liquor or wine must be delivered to the place of business of the wholesale licensee as shown in the wholesale licensee's license, must be unloaded and inventoried at the wholesale licensee's premises upon the wholesale licensee's receipt of the shipment and must come to rest before delivery is made to any retailer to enable the bureau to inspect and inventory the wholesale licensee's warehouses for the purpose of verifying taxes that are required to be paid on imported malt liquor and wine.

This subsection does not apply to a licensed small brewery or small winery authorized under section 1355-A to sell its own products directly to retailers.

[PL 2021, c. 658, §227 (AMD).]

5. No exclusivity agreement. A certificate of approval holder may not make it a condition in selling malt liquor or wine to any wholesale licensee that the wholesale licensee may not sell malt liquor or wine manufactured or sold by other manufacturers or out-of-state wholesalers.

[PL 2021, c. 658, §227 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1993, c. 507, §1 (AMD). PL 1997, c. 373, §§115,116 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 20, §1 (AMD). PL 2005, c. 683, §A46 (AMD). PL 2007, c. 539, Pt. QQQ, §1 (AMD). PL 2011, c. 629, §23 (AMD). PL 2013, c. 531, §5 (AMD). PL 2019, c. 529, §7 (AMD). PL 2021, c. 658, §227 (AMD).

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