



Relative to statutorily imposed Filing Requirements for licensees.

Relative and Applicable Statutes and Rules:

RSA 176:3; 178:22; 178:30; 178:31

1. Purpose.

The New Hampshire Liquor Commission, Division of Enforcement & Licensing (Commission), has observed an increase in the number of licensees who, by the terms of their license, are required to file a timely request, or give the Commission timely notice of their intent to exercise a provision contained in their license. The Commission has provided this guidance document to remind licensees of the importance of adhering to these requirements as well as the consequences of the repetitive failure to follow the statutory notice provisions that apply to the various license types within Title XIII.

2. Authority.

Administrative Rule Liq. 201ⁱ gives the Commission the authority to interpret statutes and administrative rules. This question falls within the authority of the Commission. The purpose of Title XIII is to provide an orderly and controlled environment for the manufacture, wholesale, and retail sale of alcoholic beverages. To that extent, the General Court has charged the Commission with the fair and reasonable interpretation of the statutes and the administrative rules established under law.

3. Discussion of the Issues.

In order for the Commission to provide the licensed community with the best service possible, licensees need to adhere to the timetables outlined in their license type. The following are excerpts of the various filing requirements licensees must follow and have been determined to be timely by the General Court:



NEW HAMPSHIRE LIQUOR COMMISSION

Division of Enforcement, Licensing and Education

Industry Circular

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One- Day License; Filed 15 days prior to the event; 178:22, V(1)(2)(C); “Such application shall be filed with the Commission 15 days before the date on which the license is needed.”

On- Site Caterer; Filed 10 days prior to the event for new sites; Filed 5 days prior to the event for approved sites; 178:22, V (e)(1)(A); “Caterers shall notify the Commission not less than 5 days in advance of a function specifying date and time of the scheduled function.” “New premises or locations shall be approved by the Commission 10 days before the scheduled events.”

- **Supplemental licenses; Filed 5 days prior to the event;** 178:22, V (e)(1)(B); “The caterer shall request the Commission's approval at least 5 days before any scheduled event to be serviced by a supplemental license.”

Off- Site Caterer; Filed 10 days prior to the event for temporary sites; Filed 5 days prior to the event for permanent sites; 178:22, V (e)(2); For temporary sites - “New premises and locations shall be approved by the Commission at least 10 days before the scheduled event.” “Such caterers shall notify the Commission not less than 5 days in advance of a function specifying the date, time, and location of the scheduled function.”

Veterans’ Clubs, Private Clubs, and Social Clubs Supplemental licenses; Filed 5 days prior to the event; 178:22, V(h)(3); “The club shall notify the Commission at least 5 days before any scheduled event which shall be serviced by such bar facility.”

Sports/ Entertainment Complex Supplemental; Filed 5 days prior to the event; 178:22, V(u)(2); “The sports/entertainment complex shall notify the Commission at least 5 days before any scheduled event which shall be serviced by such bar facility.”



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Beer and Specialty Beverage Festival Licenses; Filed 15 days prior to the event; 178:30, I; “Applications for a license under this section shall be filed with the Commission 15 working days before the date on which the license is needed.”

Wine and Liquor Festival Licenses; Filed 15 days prior to the event; 178:31, 1; “Applications for a license under this section shall be filed with the Commission 15 working days before the date on which the license is needed.”

Ballroom license; 178:22, V(2) and (3); **Filed 5 days prior the event** for “any licensee of a ballroom may so open the facilities upon notice in writing to the Commission at least 5 business days prior to the function.” **Filed 5 days prior to the event** when “a ballroom may receive a supplemental license from the Commission to close all or part of the ballroom facilities to the public for special social functions...”

4. Progressive Discipline for Non-Compliance.

The Commission understands that periodically a business opportunity may arise where the licensee is unable to meet the timing required by statute. The Commission prides itself in providing licensees and citizens with timely, courteous, and efficient service. We are prepared to work with every licensee that has an exceptional circumstance that will not allow them to file their request or notice within the timeframe of the law. We believe these events are the exception and not the rule and licensees should adhere to the timetables contained in their governing statute.

If a licensee files a notice or request outside of the timetables contained in their governing statute, consideration may be made concerning the facts and circumstances giving rise to the lack of compliance. The progressive discipline model begins with education and works up to a possible fine or receptive loss of license for repetitive non-compliance. We always hope that education of the licensee will lead to compliance and allow the licensee to take full advantage of the opportunities outlined in the license.



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More Questions? - Industry members who have questions about the policy changes outlined above should contact the Licensing Unit at the Division of Enforcement & Licensing at 603-271-3523.

i Liq 201.01 Interpretation of Statutes/Administrative Rules. Any question arising, relating to an interpretation of RSA 175- RSA 180, RSA 126-K, or administrative rules adopted by the commission shall be submitted in writing as a petition to the chairman of the liquor commission requesting a declaratory ruling.