

Amendment to HB 1765-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT enabling wine and beverage manufacturers to offer tastings of and sell products of
4 certain New Hampshire wine and beverage manufacturers and relative to defacing of
5 controlled products.
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7 Amend the bill by inserting after section 2 the following and renumbering the original section 3 to
8 read as 4:

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10 3 New Section; Enforcement, Requirements and Penalties; Advertising; Prohibited Conduct;
11 Defacing of Controlled Products. Amend RSA 179 by inserting after section 31 the following new
12 section:

13 179:31-a Prohibited Conduct; Defacing of Controlled Products.

14 I. No off premise license holder, or an employee or agent of an off premise license holder
15 acting within the scope of employment, shall intentionally deface, or cause or permit the defacing of,
16 any controlled product or its packaging or labeling prior to sale or delivery to a consumer.

17 II. For purposes of this section, prohibited defacing shall include, but not be limited to:

18 (a) Intentionally removing, cutting, tearing, peeling off, or otherwise damaging any
19 portion of the original label or packaging.

20 (b) Applying any sticker, tag, marking, or other material.

21 III. Nothing in this section shall prohibit:

22 (a) The placement of price tags, inventory control stickers, security devices, or similar
23 markings used in the ordinary course of business.

24 (b) Actions expressly required by state or federal law, administrative rule, product recall
25 notice, or lawful order of a regulatory agency.

26 IV. A licensee shall not be subject to suspension, revocation, or other administrative penalty
27 under this chapter solely on the basis that a controlled product, its packaging, or its labeling has
28 been defaced, if the defacing occurred without the licensee's authorization, direction, or knowing
29 permission.

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AMENDED ANALYSIS

This bill:

I. Enables wine and beverage manufacturers to offer tastings of and to sell products of certain New Hampshire wine and beverage manufacturers.

II. Prohibits off premise license holders and employees or agents of off premise license holders from defacing any controlled product or its packaging or labeling prior to sale or delivery.