

# TITLE XIII

## ALCOHOLIC BEVERAGES

### CHAPTER 179

#### ENFORCEMENT, REQUIREMENTS AND PENALTIES

##### Section 179:10

###### **179:10 Unlawful Possession and Intoxication. –**

I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic beverage, shall be guilty of a violation and shall be fined a minimum of \$300. Any second and subsequent offense shall be fined at least \$600. For purposes of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for sentencing, or suspended by the court. In addition to the penalties provided in this section, the court may, in its discretion, impose further penalties authorized by RSA 263:56-b.

II. Except for persons convicted on the basis of intoxication, any person under the age of 21 years convicted of unlawful possession of liquor or beverage shall forfeit the same, and it shall be disposed of as the court directs. The proceeds, if any, shall be paid into the treasury of the county in which the proceedings were determined.

**Source.** 1990, 255:1. 1998, 167:8, eff. July 1, 1998. 2002, 256:1, eff. Jan. 1, 2003. 2005, 177:47, eff. July 1, 2005. 2006, 259:1, eff. one day after passage of state operating budget for biennium ending June 30, 2009. 2007, 263:66, eff. June 29, 2007.

# TITLE XIII

## ALCOHOLIC BEVERAGES

### CHAPTER 179

### ENFORCEMENT, REQUIREMENTS AND PENALTIES

#### Section 179:23

##### **179:23 Employment; Employment of Minors; Felon Exception. –**

I. No licensee shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverages, except that off-premises licensees may employ minors of not less than 15 years of age when beverages or wine is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller. To act as a cashier in a selling capacity a minor shall be at least 16 years of age, providing a person at least 18 years of age is in attendance and is designated in charge of the employees and business.

II. An on-premises licensee may employ any person not less than 18 years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, bartender, or hostess in a licensed premises. Minors not less than 15 years of age may be employed in dining areas and minors not less than 16 years of age may be employed in lounge areas to clean tables, remove empty containers and glasses, and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

III. The provisions of this section shall in no way prohibit an on-premises or off-premises licensee from employing persons 18 years of age or older to sell, serve, or otherwise handle or be left in charge of the employees and the business.

IV. Each licensee shall designate one or more persons to be in charge of the premises. Each designated person in charge shall file an affidavit with the commission attesting to the fact such person is 18 years of age or older and has not been convicted of a felony. For the purposes of this section, any corporate officer or member of a limited liability company shall be deemed to be a person in charge of the licensed premises. For the purposes of this section, any person designated as a person in charge by a licensee shall be considered so designated for all licenses held by the licensee. The commission shall maintain records of all affidavits filed by licensees.

V. Notwithstanding paragraph IV, the commission may in its discretion approve the designation of any person who has been convicted of a felony as a person to be in charge of the premises, provided that not less than 6 months shall have passed since such person was placed on parole or probation and that during this interim period such person shall have led an exemplary life and not have been convicted of any further crime excluding minor traffic violations. The commission shall periodically review the status of such person in respect to the continuance of his or her good behavior and may revoke, in its discretion, the approval for designation as a person to be in charge of the premises granted under this section.

VI. Notwithstanding paragraph V, a licensee may employ a person convicted of a felony to sell, serve, or otherwise handle alcoholic beverages in a non-managerial capacity for a period of 60 days without meeting the provisions of paragraph V. A convicted felon employed under this section shall not be allowed to work longer than 60 days without the licensee complying with the provisions of paragraph V. Any licensee knowingly employing a person convicted of a felony to serve alcoholic beverages longer than 60 days without obtaining a waiver under paragraph V shall be fined not more than \$50 per day for each day of employment beyond 60 days.

**Source.** 1990, 255:1. 1992, 227:3. 1993, 88:1. 1998, 167:9. 2000, 253:1, eff. July 12, 2000. 2003, 231:23, eff. July 1, 2003.