

Assembly Bill No. 12—Joint Rules Committee

CHAPTER.....

AN ACT relating to liquor; authorizing a transfer of liquor between certain affiliated retailers; providing for the enforcement of certain provisions of chapter 369 of NRS; providing a civil penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A retail liquor store that holds a nonrestricted license may transfer an original package of liquor to another retail liquor store that holds a nonrestricted license, and that other retail liquor store may receive the original package of liquor pursuant to the transfer, if:

(a) Each retail liquor store:

(1) Holds its nonrestricted license for the purposes set forth in subsection 2 of NRS 463.0177; and

(2) Is in the marketing area of the wholesale dealer from which the original package of liquor was obtained by the initial retail liquor store;

(b) The initial retail liquor store:

(1) Obtained the original package of liquor in compliance with the provisions of this chapter;

(2) Is an affiliate of the retail liquor store that receives the transfer; and

(3) Does not charge the retail liquor store that receives the transfer for the original package of liquor;

(c) Immediately before the transfer, the original package of liquor is located at the initial retail liquor store; and

(d) Pursuant to the transfer, the original package of liquor is transported from the initial retail liquor store to the other retail liquor store.

2. A transfer authorized by this section shall not be deemed a sale.

3. A retail liquor store that transfers or receives an original package of liquor as authorized by this section:

(a) Shall not be deemed to be engaged in business as a wholesale dealer based upon the transfer authorized by this section.

(b) Notwithstanding the provisions of subsection 5 of NRS 369.450, may transport the original package of liquor from the initial retail liquor store to the other retail liquor store without a special permit for such transportation.

4. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) "Liquor" does not include beer.

(c) "Marketing area" has the meaning ascribed to it in NRS 597.136.

(d) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177.

Sec. 2. NRS 369.487 is hereby amended to read as follows:

369.487 Except as otherwise provided in NRS 597.240, *and section 1 of this act*, no retailer or retail liquor dealer may purchase any liquor from other than a state-licensed wholesaler.

Sec. 3. NRS 369.488 is hereby amended to read as follows:

369.488 1. ~~{A}~~ *Except as otherwise provided in section 1 of this act,*
a retailer may purchase liquor only from:

(a) The importer designated by the supplier pursuant to NRS 369.386 to import that liquor if that importer is also a wholesaler; or

(b) A wholesaler who purchased liquor from the importer designated by the supplier pursuant to NRS 369.386 to import that liquor.

2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor.

Sec. 4. NRS 369.540 is hereby amended to read as follows:

369.540 1. *The department shall enforce the provisions of section 1 of this act.*

2. Sheriffs, within their counties, and all other police officers of the State of Nevada are charged with the duty of assisting in the enforcement of this chapter without further compensation.

Sec. 5. NRS 369.550 is hereby amended to read as follows:

369.550 1. Except as otherwise expressly provided in this chapter, any person violating any of the provisions of this chapter or knowingly violating any ~~lawful~~ regulation of the department made for the enforcement of ~~its~~ *the provisions of this chapter* shall be punished, upon conviction thereof, as for a misdemeanor.

2. *Any person violating any provision of section 1 of this act is liable to the department for a civil penalty of not more than \$1,000 for each violation. The civil penalty prescribed in this subsection is in addition to any criminal penalty or other remedy or penalty available for the same conduct.*

Sec. 6. NRS 597.220 is hereby amended to read as follows:

597.220 1. Any person who is engaged in the business of importing or wholesaling alcoholic beverages in the State of Nevada shall not engage in the business of retailing alcoholic beverages in this state.

2. *For the purposes of this section, a person who transfers or receives alcoholic beverages in the manner described in section 1 of this act must not be considered to be engaged in the business of wholesaling alcoholic beverages based solely upon those transfers.*

Sec. 7. The provisions of this act do not apply to conduct that occurred before the effective date of this act.

Sec. 8. This act becomes effective upon passage and approval.