

# Bill as Introduced

HB 1172 - AS INTRODUCED

2012 SESSION

12-2196  
03/04

HOUSE BILL

**1172**

AN ACT

authorizing nano brewery licensees to sell their products at farmers' markets.

SPONSORS:

Rep. Schlachman, Rock 13; Rep. Pratt, Hills 7; Rep. Warden, Hills 7; Rep. Lovejoy, Rock 13; Sen. Prescott, Dist 23

COMMITTEE:

Commerce and Consumer Affairs

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ANALYSIS

This bill authorizes nano brewery licensees to sell their products at farmers' markets.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT authorizing nano brewery licensees to sell their products at farmers' markets.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Paragraph; Nano Brewery; Farmers' Markets. Amend RSA 178:12-a by inserting after  
2 paragraph IV the following new paragraph:

3           V. A nano brewery licensee may transport its products to a farmers' market, and may sell  
4 such products at retail in the original container.

5           2 Effective Date. This act shall take effect 60 days after its passage.

HB 1172 - AS AMENDED BY THE HOUSE

7Mar2012... 0989h

2012 SESSION

12-2196  
03/04

HOUSE BILL

**1172**

AN ACT authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

SPONSORS: Rep. Schlachman, Rock 13; Rep. Pratt, Hills 7; Rep. Warden, Hills 7; Rep. Lovejoy, Rock 13; Sen. Prescott, Dist 23

COMMITTEE: Commerce and Consumer Affairs

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AMENDED ANALYSIS

This bill authorizes nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets. This bill also establishes an alcohol consultant license.

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1 1 New Paragraph; Nano Brewery; Farmers' Markets. Amend RSA 178:12-a by inserting after  
2 paragraph IV the following new paragraph:

3 V. A nano brewery licensee may transport its products to a farmers' market, and may sell  
4 such products at retail in the original container.

5 2 New Subparagraph; Beverage Manufacturer; Farmers' Markets. Amend RSA 178:12, IV by  
6 inserting after subparagraph (b) the following new subparagraph:

7 (c) A holder of a beverage manufacturer license may transport its products to a farmers'  
8 market, and may sell such products at retail in the original container.

9 3 New Paragraph; Brew Pub; Farmers' Markets. Amend RSA 178:13 by inserting after  
10 paragraph V the following new paragraph:

11 VI. A brew pub licensee may transport its products to a farmers' market, and may sell such  
12 products at retail in the original container.

13 4 New Section; Alcohol Consultant. Amend RSA 178 by inserting after section 27 the following  
14 new section:

15 178:27-a Alcohol Consultant.

16 I. The commission may issue an alcohol consultant license for the purpose of education  
17 directly to consumers over 21 years of age and soliciting orders for the sale of alcoholic beverages  
18 tasted during an educational event at a residence. No alcohol consultant shall deliver or provide  
19 alcoholic beverages for sale during an educational event.

20 II. All wine or liquor used for educational events shall be purchased from the liquor  
21 commission at retail or from an in-state manufacturer. All beverages used for educational events  
22 shall be purchased from a licensed wholesale distributor. Any beer, wine, or liquor not available in  
23 New Hampshire may be obtained from a direct shipper who holds a valid direct shipper permit.

24 III. An alcohol consultant may provide wine samples of no more than 2 ounces per person for  
25 each bottle sampled, beer samples of not more than 4 ounces per person, and liquor samples of not  
26 more than 0.5 ounces per person. An alcohol consultant may provide samples from up to 6 bottles of  
27 wine or liquor or 12 bottles of beer at each educational event.

28 IV. Alcohol consultants shall remove all unused product from the premises after the  
29 educational event.

30 V. A copy of the alcohol consultant license shall be in any vehicle transporting alcoholic

HB 1172 - AS AMENDED BY THE HOUSE

- Page 2 -

1 beverages to or from an educational event.

2 VI. Alcohol consultants shall register each educational event with the liquor commission-  
3 division of enforcement and licensing. The commission shall adopt rules, pursuant to RSA 541-A,  
4 relative to:

5 (a) The registration procedures and required information to ensure that consumers are  
6 over 21 years of age.

7 (b) The signature form or other identification procedures to be used by an alcohol  
8 consultant to ensure compliance with RSA 179:5 and 178:27.

9 VII. Any person holding an alcohol consultant license under this section who serves or  
10 permits or allows to be served alcoholic beverages to a person under 21 years of age shall be guilty of  
11 a class B felony and shall have such license permanently revoked.

12 VIII. Alcohol consultants shall maintain records for at least 3 years in a manner which will  
13 permit the commission to ascertain the truthfulness of the information filed and permit the  
14 commission to perform an audit of filings upon reasonable request.

15 5 New Subparagraph; Fees; Alcohol Consultant. Amend RSA 178:29, V-b by inserting after  
16 subparagraph (b) the following new subparagraph:

17 (c) The annual alcohol consultant fee shall be \$100 or, if the alcohol consultant is an  
18 agent of a direct shipper, \$25.

19 6 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 140  
HB 1172 - FINAL VERSION

7Mar2012... 0989h  
17May2012... 2308EBA

2012 SESSION

12-2196  
03/04

HOUSE BILL            **1172**

AN ACT                authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

SPONSORS:            Rep. Schlachman, Rock 13; Rep. Pratt, Hills 7; Rep. Warden, Hills 7; Rep. Lovejoy, Rock 13; Sen. Prescott, Dist 23

COMMITTEE:          Commerce and Consumer Affairs

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CHAPTER 140  
HB 1172 - FINAL VERSION

7Mar2012... 0989h  
17May2012... 2308EBA

12-2196  
03/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 140:1 New Paragraph; Nano Brewery; Farmers' Markets. Amend RSA 178:12-a by inserting  
2 after paragraph IV the following new paragraph:

3 V. A nano brewery licensee may transport its products to a farmers' market, and may sell  
4 such products at retail in the original container.

5 140:2 New Paragraph; Beverage Manufacturer; Farmers' Markets. Amend RSA 178:12 by  
6 inserting after paragraph IV the following new paragraph:

7 IV-a. A holder of a beverage manufacturer license may transport its products to a farmers'  
8 market, and may sell such products at retail in the original container.

9 140:3 New Paragraph; Brew Pub; Farmers' Markets. Amend RSA 178:13 by inserting after  
10 paragraph V the following new paragraph:

11 VI. A brew pub licensee may transport its products to a farmers' market, and may sell such  
12 products at retail in the original container.

13 140:4 New Section; Alcohol Consultant. Amend RSA 178 by inserting after section 27 the  
14 following new section:

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16 I. The commission may issue an alcohol consultant license for the purpose of education  
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CHAPTER 140  
HB 1172 - FINAL VERSION

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16 commission to perform an audit of filings upon reasonable request.

17 140:5 New Subparagraph; Fees; Alcohol Consultant. Amend RSA 178:29, V-b by inserting after  
18 subparagraph (b) the following new subparagraph:

19 (c) The annual alcohol consultant fee shall be \$100 or, if the alcohol consultant is an  
20 agent of a direct shipper, \$25.

21 140:6 Effective Date. This act shall take effect 60 days after its passage.

22 Approved: June 7, 2012

23 Effective Date: August 6, 2012

# Committee Minutes

**SENATE CALENDAR NOTICE  
COMMERCE**

Senator Russell Prescott Chairman  
 Senator Andy Sanborn V Chairman  
 Senator Tom De Blois  
 Senator Matthew Houde  
 Senator Raymond White

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: April 5, 2012**

**HEARINGS**

**Tuesday**

**4/10/2012**

COMMERCE

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** HB 171 was previously recessed on March 27, 2012.

9:00 AM	HB171	relative to restrictions on liquor licenses.
9:10 AM	HB1172	(New Title) authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.
9:30 AM	HB1208	(New Title) relative to advertising of alcoholic beverages.
9:50 AM	HB1574	relative to an employee's lunch or eating period.
10:10 AM	HB1270	(New Title) requiring an employer to disclose non-compete and non-piracy agreements prior to making an offer of employment or an offer of change in job classification.

**Sponsors:**

**HB171**

Rep. Sherman Packard

Rep. Frank Holden

**HB1172**

Rep. Donna Schlachman  
 Sen. Russell Prescott

Rep. Calvin Pratt

Rep. Mark Warden

Rep. Patricia Lovejoy

**HB1208**

Rep. Mark Warden  
 Rep. Jonathan Maltz

Rep. Calvin Pratt  
 Rep. John Hikel

Rep. Tammy Simmons  
 Rep. J. Michael Ball

Rep. Phil Greazzo  
 Rep. George Lambert

**HB1574**

Rep. J.R. Hoell

**HB1270**

Rep. Keith Murphy

Rep. William Infantine

Rep. Patrick Abrami

Sen. Raymond White

Patrick Murphy 271-3067

Sen. Russell Prescott

Chairman

# Commerce Committee Hearing Report

**To:** Member of the Senate

**From:** Patrick Murphy, *Legislative Aide*

**Re:** Hearing Report on HOUSE BILL 1172 authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

**Hearing Date:** Tuesday, April 10, 2012

**Members of the Committee Present:**

Senator Prescott, Senator Sanborn, Senator De Blois, Senator Houde

**Members of the Committee Absent:**

Senator White

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**Sponsor(s):**

Rep. Schlachman, Rock 13; Rep. Pratt, Hills 7; Rep. Warden, Hills 7; Rep. Lovejoy, Rock 13; Sen. Prescott, Dist 23

**What the bill does:**

This bill authorizes nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets. This bill also establishes an alcohol consultant license.

**Supporters of the bill:**

Rep. Schlachman, Rock 13; Rep. Warden, Hills 7; Rep. Pratt, Hills 7; Rep. Hoell, Merr 13; Rep. Cohen, Merr 6; George Roberts, Anheuser Busch; Kevin Bloom, NH Brewer's Guild; Eddie Edwards, NH State Liquor Commission

**Those in opposition to the bill:**

None

**Summary of testimony received:**

Representative Schlachman, Rock 13

- This bill is about leveling the playing field and allowing local producers to bring their products to farmers markets. The House added an amendment that addresses alcohol consultants.

- Senator Sanborn declared that he is licensed by the NH State Liquor Commission.
- In response to questions from the Committee, the Prime Sponsor responded that she doesn't see a connection to underage drinking; the same responsibility applies here as all other regulations by the Liquor Commission. The alcohol consultant section addresses events similar to a Tupperware party.

Eddie Edwards, NH State Liquor Commission

- No objection to the section addressing farmers markets. Sampling or tasting has to be done at a licensed establishment.
- The section dealing with alcohol consultants came from the direct shipping issue. The direct shipping industry is a \$37 billion business. \$5 billion of that is direct shipping of alcohol. NH sees about \$600,000 of revenue a year on direct shipping of alcohol.
- The language in this bill would allow the NH State Liquor Commission to regulate and tax 2 oz samples.
- In response to questions from the Committee, the witness responded that a licensee can request an extension of a liquor license to take part in events like "chili fest" in Manchester.
- Commented that the 3 tier system in the liquor industry acts as an anti-trust system.

Representative Hoell, Merr 13

- Supports the bill but believes that the penalty on page 2, line 9 is excessive. Recommends reducing the penalty to a misdemeanor.

Kevin Bloom, NH Brewer's Guild

- Supports the section dealing with farmers markets.

Closed

**Funding:**

None

**Action:**

Pending

# Speakers









# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: May 1, 2012

THE COMMITTEE ON Commerce

to which was referred House Bill 1172

AN ACT                   authorizing nano brewery, beverage manufacturer, and  
brew pub licensees to sell their products at farmers'  
markets and establishing an alcohol consultant license.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF:   3-0

Senator Tom De Blois  
For the Committee

Patrick Murphy 271-3067

## New Hampshire General Court - Bill Status System

**Docket of HB1172**

Docket Abbreviations

**Bill Title:** (New Title) authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

*Official Docket of HB1172:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
11/14/2011	H	<b>Introduced</b> 1/4/2012 and Referred to Commerce and Consumer Affairs; <b>HJ 7</b> , PG.346
12/16/2011	H	Public Hearing: 1/31/2012 10:15 AM LOB 302 =Banking Division=
1/31/2012	H	Subcommittee Work Session: 2/2/2012 2:04 PM LOB 302
1/31/2012	H	Subcommittee Work Session: 2/2/2012 2:04 PM LOB 302
2/1/2012	H	Public Hearing on Non-Germane AM <b>#2012-0500h</b> (NT): 2/9/2012 10:30 AM LOB 302 ==Work Session May Follow==
2/8/2012	H	Subcommittee Work Session: 2/16/2012 10:00 AM LOB 302
2/9/2012	H	==CANCELLED== Executive Session: 2/16/2012 1:15 PM LOB 302
2/16/2012	H	Subcommittee Work Session: 2/21/2012 10:00 AM LOB 302 ==Executive Session To Follow==
2/23/2012	H	Committee Report: Ought to Pass with Amendment #0989h(NT) for Mar 7 (Vote 18-0; CC); <b>HC 18</b> , PG.1055
2/23/2012	H	Proposed Committee Amendment <b>#2012-0989h</b> (New Title); <b>HC 17</b> , PG.976-977
3/7/2012	H	Amendment #0989h(NT) Adopted, VV; <b>HJ 21</b> , PG.1287-1288
3/7/2012	H	<b>Ought to Pass with Amendment</b> #0989h(NT): MA VV; <b>HJ 21</b> , PG.1287
3/7/2012	S	Introduced and Referred to Commerce; <b>SJ 7</b> , Pg.185
4/5/2012	S	Hearing: 4/10/12, Room 102, LOB, 9:10 a.m.; <b>SC14</b>
5/1/2012	S	Committee Report: Ought to Pass, 5/9/12; <b>SC18</b>
5/9/2012	S	<b>Ought to Pass:</b> MA, VV; OT3rdg
5/16/2012	S	Enrolled Bill Amendment #2308e Adopted
5/17/2012	H	Enrolled Bill Amendment <b>#2012-2308e</b> Adopted
5/23/2012	S	Enrolled
5/30/2012	H	Enrolled [Recessed from 5/17/2012 Session]
6/11/2012	H	Signed By Governor 06/07/2012; Effective 08/06/2012; Chapter 0140

NH House

NH Senate

# Other Referrals

May 16, 2012

2012-2308-EBA

08/01

Enrolled Bill Amendment to HB 1172

The Committee on Enrolled Bills to which was referred HB 1172

AN ACT           authorizing nano brewery, beverage manufacturer, and brew pub licensees to sell their products at farmers' markets and establishing an alcohol consultant license.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to HB 1172

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1172

Amend section 2 of the bill by replacing lines 1-3 with the following:

2 New Paragraph; Beverage Manufacturer; Farmers' Markets. Amend RSA 178:12 by inserting after paragraph IV the following new paragraph:

IV-a. A holder of a beverage manufacturer license may transport its products to a farmers'

# COMMITTEE REPORT FILE INVENTORY

HB 1172 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE  
 FINAL VERSION      \_\_\_\_\_ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): Enrolled Bill Amendment 230884

DATE DELIVERED TO SENATE CLERK 6-27-12

Patrick Murphy  
BY COMMITTEE AIDE