

Bill as Introduced

SB 251 - AS INTRODUCED

2012 SESSION

12-2936
03/10

SENATE BILL

251

AN ACT prohibiting certain games and contests in premises licensed by the liquor commission.

SPONSORS: Sen. Merrill, Dist 21; Sen. Houde, Dist 5; Rep. Weeden, Straf 6; Rep. D. Hooper, Straf 5; Rep. Andolina, Straf 6; Rep. Watters, Straf 4

COMMITTEE: Commerce

ANALYSIS

This bill prohibits certain games and contests that encourage alcohol consumption in premises licensed by the liquor commission.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting certain games and contests in premises licensed by the liquor commission.

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

1 1 New Section; Premises Restrictions; Games and Contests. Amend RSA 179 by inserting after
2 section 51 the following new section:

3 179:51-a Games and Contests.

4 I. No licensee, or employee or agent of a licensee, shall sponsor, permit, or encourage, on the
5 licensed premises, any game or contest in which:

6 (a) A patron is encouraged or required to consume alcohol as a condition of participation
7 in the game or contest;

8 (b) A patron is required to consume alcohol as a consequence or result of participation in
9 the game or contest;

10 (c) Alcohol is awarded as a prize for participation in the game or contest; or

11 (d) The game or contest encourages excess consumption of alcohol.

12 II. Any person who violates this section shall be guilty of a violation and fined a minimum of
13 \$300 for a first offense and a minimum of \$600 for a second or subsequent offense.

14 2 Effective Date. This act shall take effect January 1, 2013.

Amendments

Sen. Merrill, Dist. 21
February 1, 2012
2012-0508s
03/10



Amendment to SB 251

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

2

3 AN ACT prohibiting certain games in premises licensed by the liquor commission.

4

5 Amend the bill by replacing section 1 with the following:

6

7 1 New Paragraph; Alcoholic Beverages; Games. Amend RSA 179:19 by inserting after
8 paragraph VII the following new paragraph:

9 VIII. No licensee shall sponsor, permit, or encourage, on the licensed premises, any game in
10 which a patron is encouraged or required to consume alcohol as a condition, consequence, or result of
11 participation or is awarded alcohol as a prize for participation.



2012-0508s

AMENDED ANALYSIS

This bill prohibits certain games that encourage alcohol consumption in premises licensed by the liquor commission.

Sen. Merrill, Dist. 21
February 13, 2012
2012-0770s
03/10

Amendment to SB 251

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

2

3 AN ACT prohibiting drinking games on premises licensed by the liquor commission.

4

5 Amend the bill by replacing section 1 with the following:

6

7 1 Drinking Games. Amend RSA 179:19, VI to read as follows:

8 VI. Licensees shall not allow gambling, [or] wagering, *or drinking games* on their
9 premises.

Amendment to SB 251
- Page 2 -

2012-0770s

AMENDED ANALYSIS

This bill prohibits drinking games on premises licensed by the liquor commission.

Committee Minutes

**SENATE CALENDAR NOTICE
COMMERCE**

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

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: January 19, 2012.

HEARINGS

Tuesday

1/24/2012

COMMERCE

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB235	relative to registration of business organizations with the secretary of state.
9:15 AM	SB245	relative to health care sharing organizations.
9:30 AM	SB251	prohibiting certain games and contests in premises licensed by the liquor commission.
9:45 AM	SB257	relative to unemployment compensation.
10:00 AM	SB350-FN	relative to the sale of portable electronics insurance.
10:15 AM	SB377-FN	relative to unemployment compensation eligibility for participants in the return to work program.
10:30 AM	SB204	adopting amendments to Article 9 of the Uniform Commercial Code relative to secured transactions.

Sponsors:

SB235

Sen. David Boutin
 Sen. Sylvia Larsen
 Rep. John Hunt

Sen. Lou D'Allesandro
 Sen. Amanda Merrill
 Rep. David Hess

Sen. John Gallus
 Sen. Bob Odell
 Sen. Tom De Blois

Sen. Gary Lambert
 Sen. Jim Rausch
 Sen. Raymond White

SB245

Sen. Fenton Groen
 Sen. Peter Bragdon

Sen. Raymond White
 Sen. Tom De Blois

Sen. Jim Luther
 Rep. Warren Groen

Sen. Andy Sanborn

SB251

Sen. Amanda Merrill
 Rep. Donald Andolina

Sen. Matthew Houde
 Rep. David Watters

Rep. Michael Weeden

Rep. Dorothea Hooper

SB257

Sen. Jeanie Forrester

Sen. Jim Luther

Rep. Robert Greemore

SB350-FN

Sen. Sharon Carson
 Rep. James Headd

Sen. Jim Luther

Sen. John Gallus

Rep. Matt Quandt

SB377-FN

Sen. Sylvia Larsen
 Sen. Amanda Merrill

Sen. Matthew Houde

Sen. Molly Kelly

Sen. Lou D'Allesandro

SB204

Sen. Bob Odell

Rep. John Hunt

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 SENATE BILL 251 prohibiting certain games and contests in premises licensed by the liquor commission.

Hearing Date: Tuesday, January 24, 2012

Members of the Committee Present:
Senator White, Senator Sanborn, Senator De Blois, Senator Houde

Members of the Committee Absent:
Senator Prescott

Sponsor(s):
Sen. Merrill, Dist 21; Sen. Houde, Dist 5; Rep. Weeden, Straf 6; Rep. D. Hooper, Straf 5; Rep. Andolina, Straf 6; Rep. Watters, Straf 4

What the bill does:
This bill prohibits certain games and contests that encourage alcohol consumption in premises licensed by the liquor commission.

Supporters of the bill:
Senator Merrill, Dist 21; Rep. Watters, Straf 4; Madison Retrosi, Dover Youth to Youth; Tricia Lucas, New Futures; Michael Milligan, NH State Liquor Commission; Dana Mitchell, Dover Police Dept.; Elizabeth Sargent, NH Association of Chiefs of Police

Those in opposition to the bill:
Eddy Edwards, NH State Liquor Commission; Henry Veilleux, NH Lodging & Restaurant Association

Speaking to the bill (Neutral):
Peter Garp

Summary of testimony received:

Senator Merrill, Dist 21

- This bill was filed at the request of the Dover Youth to Youth group. This group has done a very good job getting the word out on the problems of abusing tobacco and alcohol.
- These types of games can encourage excess drinking. Our neighbors in Vermont and Maine have similar regulations. Bars are certainly not the only place these games are played. We currently regulate other activities at bars like dancing and darts.

Senator Sanborn disclosed that he owns a restaurant/bar but plans to participate in the process on this bill.

- Senator Sanborn commented that we currently have statutes that prohibit these activities.
- In response to questions from the Committee, Senator Merrill responded that this is geared towards on premise activities.

Rep. Watters, Straf 4

- The Dover Youth to Youth group is very good at identifying what our future problems will be and finding a way to address them today.

Commissioner Michael Milligan, NH State Liquor Commission

- Supports the concept of this legislation. Would prefer to see this as an amendment to current statute, not a brand new section of statute.

Madison Retrosi, Dover Youth to Youth

- This bill was introduced at our request because we believe that drinking games such as beer pong can encourage people to drink more or drink faster than they normally would. We all know that drinking too much too fast can result in a variety of consequences, and in an extreme case, could even kill a person due to alcohol poisoning. We feel that drinking games encourage people to binge drink.
- This law would have no effect on people playing drinking games in their own homes. But in establishments, generally people go somewhere else after drinking in that location. If people try to drive drunk, they can hurt themselves and others. If they chose to go to a different establishment, the new place could be put to blame for over serving that person. Drinking games would have the most serious consequences if played at licensed establishments.
- Another consideration is how teens perceive these games. My group noticed a local bar that was advertising a "Thursday night Beirut tournament" on their Facebook page. Teens could see these games as just fun with no serious consequences attached. If these games are held in official establishments, it could come across like nothing is wrong with them.
- Putting a ban on drinking games at bars would reduce the possibilities of people over consuming alcohol, and therefore reducing the chances of being stricken with a consequence of binge drinking.

Dana Mitchell, Dover Police Dept

- This bill would draw a clear bright line that says you can't do this. There are certainly establishments that host drinking games. If this is currently not allowed than it's not clear enough. We need these statutes to be clear and specific. If smart people disagree on if this is currently allowed or not then we need to clarify the law.

Eddy Edwards, NH State Liquor Commission

- This is unnecessary, current law is clearly understood by those we license. You can have games as long as alcohol is not involved. The most dangerous forms of drinking take place in locations that are not licensed.

Peter Garp

- Current rules say you can give away wine at wine tastings. Is wine tasting considered a game?

Henry Veilleux, NH Lodging & Restaurant Association

- Expressed concern with the current draft of the bill. Believes that current statute is adequate and this change could confuse the issue relative to can a venue have darts or pool tables. Supports the concept of the bill.

Funding:

None

Action:

Pending

Speakers

Senate Commerce Committee: Sign-In Sheet

Date: January 24, 2012

Time: 9:30 a.m.

Public Hearing on SB 251

SB 251 Prohibiting certain games and contests in premises licensed by the liquor commission

Name	Representing	Support	Oppose	Speaking?	Yes	No
PER GARD	✓	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Testimony

January 24, 2012

The Honorable Russell E. Prescott, Chair
Senate Commerce Committee
Legislative Office Building
Room 102
Concord, NH 03301

Re: New Futures' Support for SB 251 (prohibiting certain games and contests in premises licensed by the Liquor Commission)

Dear Senator Prescott and Honorable Members of the Committee,

On behalf of New Futures, a nonpartisan, nonprofit organization that seeks to prevent and reduce alcohol and other drug problems in New Hampshire through advocacy, education, and collaboration, I write to express our support for SB 251. SB 251 prohibits games or contests that encourage the excessive consumption of alcohol and would be an important tool in preventing over consumption, particularly among the cohort of young legal drinkers most likely to participate in such games.

Current data show that the cohort of legal drinkers aged 21 – 25 have the highest rates of any age cohort for alcohol use, binge drinking, heavy alcohol use, and driving under the influence. According to the 2009 National Survey on Drug Use and Health among young adult drinkers aged 21 – 25:

- 70.2% report current use (at least one drink in the last 30 days);
- 46.5% report binge use (five or more drinks within a several hour period on at least one day in the last 30 days);
- 15.1% report heavy use (binge use on each of five or more days in the last 30 days); and
- 24.8% report driving under the influence at least once in the last year.

The Liquor Commission statutes generally seek to maintain proper controls over the sale of alcohol by providing on-premises licensees flexibility in their business practices as long as the licensees do not violate the terms of their license or the public health and safety statutory provisions that prohibit service to minors or intoxicated persons.

However, in cases where licensee practices so clearly encourage excess consumption, the Liquor Commission statutes expressly prohibit such practices. The most recent example of such a provision is RSA 179:31: XIII, enacted in 2011, which requires any on-premises licensee to make food readily available to patrons any time the licensee is advertising or promoting alcoholic beverages at reduced prices. There was no objection to the enactment of this requirement in large part because the risk of excess consumption when reduced price alcohol was available without food was obvious.

We believe that a similarly clear and direct connection exists between the conduct of the games described in SB 251 and the risk of overconsumption. Under such circumstances, a statutory prohibition on such high risk activities is an effective way to prevent excess consumption without imposing a significant burden on licensees.

Thank you for your attention to this important issue. We respectfully request that the committee recommend SB 251 ought to pass. Please do not hesitate to contact me if you have questions or need additional information.

Sincerely,



Tricia H. Lucas
Advocacy Director
New Futures
10 Ferry Street, Suite 307
Concord, NH 03301
603.225.9540
tlucas@new-futures.org



advocate • educate • collaborate
to reduce alcohol and other drug problems in New Hampshire

February 7, 2012

The Honorable Russell E. Prescott, Chair
Senate Commerce Committee
Legislative Office Building
Room 102
Concord, NH 03301

Re: New Futures' Support for SB 251 (prohibiting certain games and contests in premises licensed by the Liquor Commission), as Amended by Amendment 2012 - 0508s

Dear Senator Prescott and Honorable Members of the Committee,

On behalf of New Futures, a nonpartisan, nonprofit organization that seeks to prevent and reduce alcohol and other drug problems in New Hampshire through advocacy, education, and collaboration, I write to express our support for proposed Amendment 2012 - 0508s to SB 251. SB 251, as amended by 2012 - 0508s would prohibit a licensee from sponsoring, permitting, or encouraging "on the licensed premises, any game in which a patron is encouraged or required to consume alcohol as a condition, consequence, or result of participation or is rewarded alcohol as a prize for participation."

The amendment is the result of discussions between the sponsor, the citizen group that brought the issue to the attention of the sponsor, and the New Hampshire Liquor Commission. We believe that SB 251 as amended will be an important tool in preventing over consumption, particularly among the cohort of young legal drinkers most likely to participate in such games. Current data show that the cohort of legal drinkers aged 21 – 25 have the highest rates of any age cohort for alcohol use, binge drinking, heavy alcohol use, and driving under the influence. 2009 National Survey on Drug Use and Health.

New Futures supported the original bill (Letter of January 24, 2012 to Senator Russell Prescott from Tricia Lucas) and believes that SB 251 as amended is fully consistent with the purpose of the original bill – to prohibit a practice that clearly encourages excess consumption.

The proposed amendment is an example of the best in legislative practice in which citizens, legislators, and advocates work together to produce a compromise that all can support to address an important community concern. We respectfully request that the committee recommend SB 251 ought to pass as amended by Amendment 2012 - 0508s. Thank you for your attention to this important issue. Please do not hesitate to contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Tricia H. Lucas". The signature is written in black ink and is positioned above the typed name.

Tricia H. Lucas

Advocacy Director

New Futures

10 Ferry Street, Suite 307

Concord, NH 03301

603.225.9540

tlucas@new-futures.org

TESTIMONY OF**Madison Retrosi, Dover Youth to Youth****46 Locust Street, Dover, NH 03820****606-516-3274**

January 24, 2012

Good morning, my name is Maddie Retrosi; I'm a junior at Dover High School, and am also a member of the Leadership Team at Dover Youth to Youth. Youth to Youth is an after-school drug prevention advocacy program that consists of over 60 middle and high school students in Dover. Each year our group gives dozens of educational presentations, creates media, and takes on advocacy initiatives, which is why I am here.

Our group brought forth the idea for this piece of legislation because we feel that drinking games such as beer pong can encourage people to drink more or drink faster than they normally would.

We all know that drinking too much too fast can result in a variety of consequences, and in an extreme case, could even kill a person due to alcohol poisoning. We feel that drinking games such as beer pong are encouraging people to binge drink.

This law would have no effect on people playing drinking games in their own homes. But in establishments, generally people go

somewhere else after drinking in that location. If people try to drive drunk, they can hurt themselves and others. If they chose to go to a different establishment, the new place could be put to blame for “over serving” that person. Drinking games would have the most serious consequences if played at licensed establishments.

Another consideration we must look into is how teens perceive these games. My group noticed a local bar that was advertising a “Thursday night Beirut tournament” (Beirut being a drinking game similar to beer pong) on their facebook page. I know for a fact that teens like facebook, so they could easily see this advertisement. Teens could see these games as just fun, no serious consequences attached. If these games are held in official establishments, it could come across like nothing is wrong with them.

In closing, drinking games can be dangerous because they can cause a person to drink more and drink faster than they normally would. Most people see these games as just a way to have harmless fun. Being allowed to hold or host them in bars or other licensed establishments is a bad idea, seeing as the consequences are raised significantly when the factor of travel is incorporated into the equation. Putting a ban on drinking games at bars would reduce the possibilities of people over consuming

alcohol, and therefore reducing the chances of being stricken with a consequence of binge drinking.

Thank you for your time and considering my testimony, I'd be glad to answer any questions now.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 20, 2012

THE COMMITTEE ON Commerce

to which was referred Senate Bill 251

AN ACT prohibiting certain games and contests in premises
licensed by the liquor commission.

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

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-1

Senator Andy Sanborn
For the Committee

Patrick Murphy 271-3067

New Hampshire General Court - Bill Status System

Docket of SB251

Docket Abbreviations

Bill Title: prohibiting certain games and contests in premises licensed by the liquor commission.*Official Docket of SB251:*

Date	Body	Description
1/1/2012	S	Introduced 1/4/2012 and Referred to Commerce; SJ 1 , Pg.6
1/19/2012	S	Hearing: 1/24/12, Room 102, LOB, 9:30 a.m.; SC4
3/20/2012	S	Committee Report: Inexpedient to Legislate, 3/28/12; SC12
3/28/2012	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===

NH HouseNH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 251 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 # 0508s - AMENDMENT # 0770s
____ - 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): _____

DATE DELIVERED TO SENATE CLERK 6-26-12

Patrick Murphy
BY COMMITTEE AIDE