

LEGISLATIVE COMMITTEE MINUTES

HB122

Bill as
Introduced

HB 122 - AS INTRODUCED

2015 SESSION

15-0254
03/06

HOUSE BILL

122

AN ACT

relative to advertising of liquor or beverages.

SPONSORS:

Rep. Murphy, Hills 7

COMMITTEE:

Commerce and Consumer Affairs

ANALYSIS

This bill modifies the prohibition on advertisements of alcoholic beverages referencing minors.

Explanation:

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to advertising of liquor or beverages.

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

- 1 1 Advertising Restrictions; Reference to Minors. Amend RSA 179:31, VII(a) to read as follows:
- 2 (a) Any reference to minors, pictorial or otherwise, *unless the commission determines*
- 3 *that such reference is not intended to appeal to minors.*
- 4 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 122

BILL TITLE: relative to advertising of liquor or beverages.

DATE: January 15, 2015

LOB ROOM: 302 **Time Public Hearing Called to Order:** 10:02 am

Time Adjourned: 10:59 am

(please circle if present)

Committee Members: Reps. Hunt, Jones, Flanders, R. Belanger, Tucker, Hurt, Bates, Biggie, Dobson, Fraser, Fromuth, H. French, Hannon, Butler, Gidda, Williams, Abel, Bordener, Herbert, Luneau and McBeath

Bill Sponsors: Rep. Murphy

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Keith Murphy, sponsor** - Founders Breakfast Stout flyer, pack of bottles shown to committee members. Description of the label bill gives liquor commission discretion to use image without attracting minors' use. It's an ale.

Q: Rep. Richard Abel - Is this about this product and is this label an unusual situation?

A: We will probably have others not known how often.

Q: Rep. Kermit Williams - Last year, didn't we have a similar bill?

A: The bill last year was worded differently. That bill didn't give any discretion; this year's is simpler in wording.

Q: Rep. Bart Fromuth - How many other states allow this type of label?

A: This sample bottle was from Florida.

Director Buckley & James Wilson, NH Liquor Commission - Oppose the bill. NH is a better place without some of these images on these labels. Mr. Wilson: 90% of labels go through. Mr. Buckley: Other states may not be as discriminate as some on label images.

Q: Chairman John Hunt - Which RSA 179, 7 or 9 about pornographic or objectionable labels is being used to oppose this bill?

A: It falls under section 9.

Q: This is beer, rather than liquor.

A: Commission checks alcohol content.

Q: Rep Ken Gidge - If a mustache was on baby image, would it make a difference?

A: If Founders did that, the Commission would review that label.

Q: Rep. David Luneau - Is there something in the statute in reference to minors A. Section 7 line b "inducing" minors to drink.

Q: Rep. Joseph Hannon - Do you consider an image of a baby eating porridge attractive to minors?

A: Reference sec 7.

Q: Appearance of young person: how do you judge?

A: By appearance of being underage, of youthful appearance and questionable age.

Q: Rep. Kermit Williams - Recalling last year's current statute, this label couldn't be approved notwithstanding the wording about labels. What's your opinion?

Q: This label is not intending minors to drink. Clearly, a child is on label.

Q: Rep. George Hurt - What's the approach of the image

A: Industry's changed, there's more marketing pressure.

Q: Rep. Abel - What's intention in the writing the existing statute?

A: Unknown what debate references the creation of the existing RSA. Probably, not allowing labels attractive to minors. Mr. Wilson: this is a standard, rather than ambiguous.

Q: Rep. Lalura Jones: How many beer labels do you review every year?

A: Mr. Wilson - hundreds or in the thousands.

Q: Chairman Hunt: Clearly things have changed over time. Wording is problematic in reference to the Stout label with baby eating porridge.

Q: Rep Gidge: What's the law enforcement standard if a young person is on label and of drinking age?

A: Wilson: standard is if the image looks underage.

Q: Rep Butler - If passed, would you need to decide on discretion to help decide on a label? Is there an appeal process?

A: Wilson - We have to have a standard in Administrative Rules. Yes, an appeals process.

Q: Rep. Luneau - In reference to "bright line" standards?

A: Mr. Wilson - Admin. Rules help with the "bright Line" standards to make calls.

Kevin Bloom, NH Liberty Alliance - Supports bill. The brewer has submitted labels to Commission. Regulating "art" is a constitutional issue. In New York v. Bad Frog, Bad Frog won. Reason: "Impermissible" censorship. Asking the Committee to amend; and vote OTP.

Q: Rep. Christopher Herbert - Was this in state court?

A: Yes

Q: Rep. David Bates - Will you please find your label forms for us?

A: Yes, will get them to us.

Q: Chairman Hunt - When your labels were refused, what was the reason?

A: Refused by federal government. Reasons: picture of 15th Century image with St. Paula - St. Paula's Liquid Wisdom. And, possibly beer would make your wise.

***Mr. Monihan (speaking in place of Tricia Lucas), New Futures** - Opposes bill. Any reference with a minor should be the standard.

Q: Rep. Gidge - If a child's image is on label, would that induce a child to drink the beer?

A: Yes

Bert Bingel, Bert's Bitter Beers - Supports bill. Retailers are careful to comply with laws and displays in store. There's no control once the product leaves store. Founders Stout has been difficult for several years with baby on bottle's label. It is marketed to and consumed by adults.

Andy Day of Derry, NH, representing self - Supports the bill. Business owner of a restaurant/bar. Adults/parents use common sense to educate their children. He wants NH a great place to be. Customers brought the sample beer "Breakfast Stout" from Massachusetts for him. He serves this on tap, not in bottle form, though. Isn't in NH, but in MA. Therefore, money for beer sales is lost. Other products are available with gun-shaped bottle, vodka. He's had conversations with kids about chocolate milk-shaped bottle of vodka. This item could be presented as a problem at home. A bottle of 151 Bacardi was taken from a child whose friend bought it for him.

Q: Rep. Fromuth - You own a few stores, if a minor tried to buy, see this as problem?

A: Existing law prohibits this already.

Q: Rep Williams - Is gun-shaped bottle available in NH?

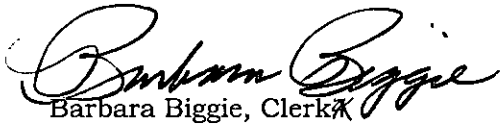
A: Yes

Ian Freeman, Freedom to Choose - Supports the bill "partially." Objects to government controlling label images. He would like to see the liquor commission abolished entirely.

Blue Sheet

Rep. Elizabeth Ferreira, Nashua Pro

Respectfully Submitted:


Barbara Biggie, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

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Bill Sponsors: Rep. Murphy

TESTIMONY

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* ① Rep Murphy

② Liquor Commission Dis Buckley; Wilson

③ KEVIN Bloom NH Liberty Alliance

* ④ Mr. Monaghan

⑤ Bert Binzel BERT'S BITTER BEERS SUPPORTS

⑥ ANDY DAY SUPPORTS

⑦ IAN FREEMAN

HB122

Thursday, 1/15/15 hb122 COMMERCE COMMITTEE, PUBLIC HEARING BARBARA BIGGIE, CLERK

Rep. Murphy Sponsor

*1. Handout. Founders Breakfast Stout flyer, pack of bottles shown to committee members.

Description of the label bill gives Liquor Commission discretion to use image without attracting minors' use. It's an ale.

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Wilson: 90% of labels go through.

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Q. Rep Luneau: Is there something in the statute in reference to minors A. Section 7 line b "inducing" minors to drink.

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Q. Rep Williams: Recalling last year's current statute, this label couldn't be approved notwithstanding the wording about labels. What's your opinion? Q. This label is not intending minors to drink. Clearly, a child is on label.

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Q. Rep. Luneau: In reference to "bright line" standards? A. Wilson: Admin. Rules help with the "bright Line" standards to make calls.

3. Kevin Bloom, NH Liberty Alliance Supports Bill

The brewer has submitted labels to Commission. Regulating "art" is a constitutional issue. In New York v. Bad Frog, Bad Frog won. Reason: "Impermissible" censorship. Asking the Committee to amend; and vote OTP.

Q. Rep. Herbert: Was this in State court? A. Yes

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Q. Rep. Hunt: When your labels were refused, what was the reason? A. Refused by federal government. Reasons: picture of 15th Century image with St. Paula – St. Paula's Liquid Wisdom. And, possibly beer would make your wise.

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Any reference with a minor should be the standard.

Q Rep Gidge: If a child's image is on label, would that induce a child to drink the beer? A. Yes

5. Bert Bingel, Bert's Bitter Beers Supports bill.

Retailers are careful to comply with laws and displays in store. There's no control once the product leaves store. Founders Stout has been difficult for several years with baby on bottle's label. It is marketed to and consumed by adults.

6. Andy Day Supports

Business owner of a restaurant/bar. Adults/parents use common sense to educate their children. He wants NH a great place to be.

Customers brought the sample beer "Breakfast Stout" from Massachusetts for him. He serves this on tap, not in bottle form, though. Isn't in NH, but in MA. Therefore, money for beer sales is lost. Other products are available with gun-shaped bottle, vodka. He's had conversations with kids about chocolate milk-shaped bottle of vodka. This item could be presented as a problem at home. A bottle of 151 Bacardi was taken from a child whose friend bought it for him.

Q. Rep Fromuth: You own a few stores, if a minor tried to buy, see this as problem? A. Existing law prohibits this already.

Q. Rep Williams: Is gun-shaped bottle available in NH? A. Yes

7. Ian Freeman, Freedom to Choose Supports "partially"

Objects to government controlling label images. He would like to see the Liquor Commission abolished entirely.

Blue Sheet

Rep. Elizabeth Ferreira, Nashua Pro Bill.

Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 122

BILL TITLE: relative to advertising of liquor or beverages.

DATE: 2-5-15

Subcommittee Members: Reps. {Type NAMES}

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Fromuth

Seconded by Rep. Abel

Vote: 2-0

Respectfully submitted,

Rep. Bart Fromuth
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 122

OTP

BILL TITLE: relative to advertising of liquor or beverages.

DATE: 2-5-14

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Fromuth

Seconded by Rep. Abel

Vote: 2-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. ~~(Type NAME)~~ *Robert Fromuth*
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 122

BILL TITLE: relative to advertising of liquor or beverages.

DATE: 2-17-15

Subcommittee Members: Reps. Fromuth, Biggie, McBeath, Abel and Tucker

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Fromuth

Seconded by Rep. Biggie

Vote: 3-2

Respectfully submitted,

Rep. Pam Tucker
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 122

BILL TITLE: relative to advertising of liquor or beverages.

DATE: 2-17-15

Subcommittee Members: Reps. Frommelt, Biggie, McBeath, Abel, Tucker

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Frommelt

Seconded by Rep. Biggie

Vote: 3-2 McBeath
Abel.

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,



Rep. {Type NAME}
Subcommittee Chairman/Clerk

Testimony

January 15, 2015

The Honorable John B. Hunt, Chair
House Commerce and Consumer Affairs Committee
Legislative Office Building, Room 302
Concord, NH 03301

Re: New Futures Opposition to HB 122 (relative to advertising of liquor or beverages)

Dear Representative Hunt and Honorable Members of the Committee,

New Futures respectfully requests that the Committee recommend HB 122 (relative to advertising of liquor or beverages) Inexpedient to Legislate. HB 122 would qualify a long – standing restriction in RSA 179:31, VII(a) which currently prohibits references or pictures to minors in liquor or beverage advertising (“Advertising of liquor or beverages shall not contain ... any reference to minors, pictorial or otherwise”) to state: “Advertising of liquor or beverages shall not contain ... any reference to minors, pictorial or otherwise, **unless the commission determines that such reference is not intended to appeal to minors.**” (Bold added to show change proposed in HB 122.)

We note that the RSA 179: 31, VII(a) has been law in New Hampshire at least since 1990 when the Liquor Commission statutes were recodified and has functioned effectively and without objection. We are concerned that a picture of a child on a label of a can or bottle of an alcoholic product presents a definite risk that the child, seeing a picture of a child on a container of a consumable product, would assume that the product is for him or her and consume the product. The language proposed in HB 122 does little to allay our concern because it replaces a clear and established standard with commission discretion which is to be guided by less than clear language. Under HB 122 the commission can act (after the fact because there is no requirement of prior commission approval) only if the picture was **intended** to appeal to minors. The appropriate question is not whether the picture of a child on the label of an alcoholic beverage was intended to appeal to the child, but whether the picture, in fact, would or could appeal to or confuse the minor and cause him/her to consume the product.

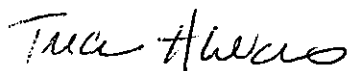
As noted in the National Institute of Medicine 2005 Report, *Reducing Underage Drinking, a Collective Responsibility*, research shows that a substantial portion of alcohol advertising reaches an underage audience and is presented in a style that is attractive to youth. Research also demonstrates that exposure to alcohol advertising affects the age at which youth begin to drink. HB 122 would reduce the effectiveness of advertising restrictions that are specifically designed to protect children and youth. It is distressing that New Hampshire would consider this change when our rates of alcohol use by our youth, while still some of the highest in the country, are finally beginning to trend down, thanks in part to the thoughtful system of policies and other environmental strategies that are in place in New Hampshire. This system of policies and practices is good for our businesses, our communities, and our youth.

Based on the testimony received in support of HB 122, its introduction was motivated by the fact that several years ago the Liquor Commission refused to approve the sale in New Hampshire of Founders Breakfast Stout because the label on the bottle was a picture of a child eating oatmeal. It is our

understanding that the manufacturer did not take issue with the decision because it was able to sell the product on tap. HB 122 was not brought forward by the product's manufacturer or by the NH Beverage Distributors but by an individual who wishes to be able to purchase the product by the bottle. Although it is not uncommon for legislation to be introduced to benefit an individual or a small group of constituents, it is the responsibility of the legislature to weigh the benefits to the individual/small group against the interests of other groups opposed to/adversely effected by the legislation. We do not believe that the desire of a single/small group of individuals to purchase Founders Breakfast Stout by bottle (as noted above it is available on tap) should be permitted to outweigh the importance of maintaining a carefully crafted and long established limitation on the advertising of liquor and beverages designed to protect the the wellbeing of our children and youth.

For these reasons we respectfully request that the Committee recommend HB 122 Inexpedient to Legislate. Please do not hesitate to contact me if you have questions or need additional information.

Sincerely,



Tricia H. Lucas, Esq.

Advocacy Director

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again and again.

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Founders Breakfast Stout - Founders Brewing Company

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Tweet 163

BA SCORE

100

world-class

13,577 Ratings

THE BROS

100

world-class

(view ratings)

Ratings: 13,577

Reviews: 3,414

rAvg: 4.52

pDev: 9.29%

Wants: 1,365

Gots: 3,730 | FT: 197

Brewed by:

Founders Brewing Company
Michigan, United States

Style | ABV

American Double / Imperial Stout | 8.30% ABV

Availability: Fall

Notes & Commercial Description:

Beer added by: marburg on 07-26-2003

Brewed with flaked oats, bitter and sweetened imported chocolates, Sumatra and Kona coffee.
60 IBU

Released on Sept. 1, 2010.

Tools

Log in or Sign up to report an update.

Frequently Asked Questions

Shelf Talker

Print Shelf Talker

Other Beer Style Examples

American Double / Imperial Stout

Founders Breakfast Stout
Founders Brewing Company

Bourbon County Brand Stout
Goose Island Beer Co.

Founders KBS (Kentucky Breakfast Stout)
Founders Brewing Company

Bourbon County Brand Coffee Stout
Goose Island Beer Co.

The Abyss
Deschutes Brewery

Storm King Stout
Victory Brewing Company

AleSmith Speedway Stout
AleSmith Brewing Company

Choklat
Southern Tier Brewing Company

World Wide Stout
Dogfish Head Brewery

Dragon's Milk
New Holland Brewing Company

Péché Mortel (Imperial Stout Au Café)
Brasserie Dieu Du Ciel

Cappuccino Stout
Lagunitas Brewing Company

Bell's Black Note Stout
Bell's Brewery, Inc.

Terrapin Coffee Oatmeal Imperial Stout
Terrapin Beer Company

Miles Davis' Bitches Brew
Dogfish Head Brewery

View: Beers (112) | Place Ratings (815) | Events

Beer: Ratings & Reviews

Sort by: Recent | Likes | High | Low | Top Raters | **BROS** Alström Bros

« first < prev | 1-25 | 26-50 | 51-75 | next > last »

Ratings: 13,577 | Reviews: 3,414 | Display Reviews Only:



4.5/5

rDev -0.4%
look: 4.5 | smell: 4.5 | taste: 4.5 | feel: 4.5 | overall: 4.5

The baby looks so cool!

cubs943, Today at 04:13 AM



5/5

rDev +10.6%
look: 5 | smell: 5 | taste: 5 | feel: 5 | overall: 5

DrunkyBuddha, Today at 01:11 AM



4.84/5

rDev +7.1%
look: 4.75 | smell: 4.75 | taste: 5 | feel: 4.5 | overall: 4.75

Roasted malt in here for sure, a little hops but nothing crazy... really good beer!

CJNAPS, Yesterday at 11:46 PM



4.65/5

rDev +2.9%
look: 4 | smell: 4 | taste: 5 | feel: 4 | overall: 5



HOUSE COMMITTEE RESEARCH OFFICE
New Hampshire House of Representatives
4th Floor, Legislative Office Building
Concord, NH 03301
Tel: (603) 271-3600
Fax: (603) 271-6689

Pam Smarling, Committee Researcher
(603) 271-3387; Pam.Smarling@leg.state.nh.us

To: Rep. John B. Hunt, Chairman, House Commerce and Consumer Affairs Committee

From: Pam Smarling, Committee Researcher
House Committee Research

Handwritten initials, possibly "PS", in blue ink.

Date: January 13, 2015

RE: HB 122, relative to advertising of liquor or beverages.
Disposition of 2014 Legislation on the Depiction of Minors in Liquor Ads

You asked:

What is the history of recent legislation to revise the law prohibiting pictures of minors to be used in liquor advertisements?:

SUMMARY

Legislation was introduced in 2014 to revise a restriction on the depiction of minors on liquor and beverage advertisements. The House passed an amended version of the bill. The Senate later referred the bill for interim study to provide stakeholders more time to work out a consensus.

This memorandum describes the impetus for and disposition of HB 1276 (2014).

2014 Legislation; HB 1276
Background

The New Hampshire Liquor Commission ruled in 2012 that a Michigan brewer could not sell bottles of its' Breakfast Stout in New Hampshire because the label on the bottles violated state law. RSA 179:31, VII(a) stipulates that "advertising of liquor or beverages shall not contain any references to minors, pictorial or otherwise." ("Beverage" as defined in the state liquor laws includes beer and wine.) The label on the stout

produced by Founder's Brewing Company depicts a young boy eating a bowl of cereal. Although the Liquor Commission barred the brewer from selling bottles of the stout in New Hampshire, they did not prohibit them from selling the stout in kegs since the label was not affixed to kegs.

Disposition

HB 1276 was introduced in the 2014 legislative session. The original bill amended three paragraphs in RSA 179:31. This memorandum is limited to the proposed revisions to paragraph VII.

RSA 179:31, VII - restrictions on advertisements for liquor or beverages

Current provision:

VII. Advertising of liquor or beverages shall not contain:

- (a) Any reference to minors, pictorial or otherwise.
- (b) Any subject matter or illustrations inducing persons under the legal drinking age to drink. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.
- (c) Any statement that is false or misleading.

Amendment to paragraph VII in HB 1276 as introduced:

VII. Advertising of liquor or beverages shall not contain[=:

- ~~(a) Any reference to minors, pictorial or otherwise.~~
- ~~(b) Any subject matter or illustrations inducing persons under the legal drinking age to drink. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.~~
- (e)] any statement that is false or misleading.

Amendment to paragraph VII in HB 1276 as amended by the House:

VII. Advertising of liquor or beverages shall not contain:

- (a) Any reference to minors, pictorial or otherwise, ***that could be interpreted to suggest that the contents are safe for consumption by minors.***
- (b) Any subject matter or illustrations inducing persons under the legal drinking age to drink. All coupon offers requiring consumer participation shall contain reference that the coupon offer is available only to persons of legal drinking age.
- (c) Any statement that is false or misleading.

Sponsors: Rep. O'Flaherty and Rep. Warden

Referred to: House Commerce and Consumer Affairs Committee

House Commerce hearing: January 21, 2014

The Liquor Commission took no position on the bill.

Keith Bloom, NH Brewers Guild **spoke in support** and noted that the label on Founder's Breakfast Stout is not intended to encourage minors to drink but rather to depict a child eating a wholesome breakfast. He felt that the language of the statute was too restrictive and that the Liquor Commission should have more discretion when reviewing labels for inappropriate content.

Tricia Lucas from New Futures **spoke in opposition** and noted that the proposed change would impact all liquor advertising not just labels on beer bottles. She described studies on the impact of advertising on perceptions of drinking. She also noted that Founder's is permitted to sell its' Breakfast Stout in New Hampshire although not in bottles.

House Commerce Committee report: Ought to Pass with Amendment, vote 16-2,
Consent Calendar

Rep. Donna L Schlachman for Commerce and Consumer Affairs. This bill, as amended, provides the Liquor Commission greater discretion and flexibility when accepting a product label for wine, beer or spirits to be sold in New Hampshire. Presently, any label that contains a photograph or artwork depicting a minor would automatically be rejected for sale in New Hampshire. The new language only prohibits those products whose labels can be interpreted to suggest that the content of a bottle is safe for minors to consume. The bipartisan majority of the committee believes the amendment strikes just the right balance of commercial and public health interests.

House Action: Passed with Amendment, voice vote

Referred to: Senate Commerce Committee

Senate Commerce Committee report: Refer for Interim Study, vote 5-0

Senator Hosmer for the committee. This bill would modify restrictions on alcoholic beverage advertising that references minors pictorial or otherwise. The Committee supports allowing more time for stakeholders to reach consensus on the scale of the problem and the best language to accomplish the goals of the legislation.

Senate Vote: Referred for Interim Study, voice vote

Final Action: Referred for Interim Study in the Senate

If I can provide further information on this, please let me know.

HB 122 AJ Gregoire supports

From: **AJ Gregoire** <FYWdragon@comcast.net>

Date: Fri, Jan 9, 2015 at 11:48 PM

Subject: Support HB 122

To: HouseCommerceAndConsumerAffairs@leg.state.nh.us

Members of the Commerce and Consumer Affairs Committee:

I am writing you to ask you to support HB 122 "relative to advertising of liquor or beverages." I believe this bill makes a very simple change, is written very well, and still gives plenty of discretion to the Liqueur Commission.

The beer that sparked the idea for this bill is Founders Breakfast Stout, which is considered one of the best stouts in the world. You can purchase it in any of our neighboring states, but not in NH due to the label depicting a child eating from a bowl of oatmeal. The label is not designed to appeal to minors. I believe the label is harmless, and I shouldn't have to drive into another state to purchase a beer that I enjoy.

Thank you for your time and consideration!

Andrew Gregoire
14 Hayes Ave
Manchester NH
603-397-7526

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 122

BILL TITLE: relative to advertising of liquor or beverages.

DATE: 3-3-15

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retain(Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Tucker

Seconded by Rep. Fromuth

Vote: 20-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara Biggie, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 122

BILL TITLE: relative to advertising of liquor or beverages.

DATE: 2-11-15 3-3-15

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: (OTP, OTP/A, ITL, Retain(Please circle one.)

Moved by Rep. TUCKER

Seconded by Rep. FROMUTH

Vote: 20/0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

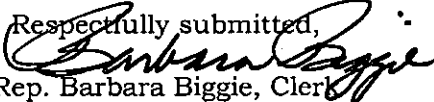
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular (Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara Biggie, Clerk



2015 SESSION

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB122 Title: Re: advertising of liquor or beverages

PH Date: 1/1/15 Exec Session Date: 3/3/15

Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Hunt, John B., Chairman	✓	
Jones, Laura M., V Chairman	✓	
Flanders, Donald H. <u>WEBB, JIM</u>	✓	
Belanger, Ronald J.	✓	
Tucker, Pamela Z.	✓	
Hurt, George	✓	
Bates, David	✓	
Biggie, Barbara , Clerk	✓	
Fraser, Valerie	✓	
Fromuth, Bart	✓	
French, Harold F.	✓	
Hannon, Joseph A.	✓	
Butler, Edward A.	✓	
Gidge, Kenneth N.	✓	
Williams, Kermit R	✓	
Abel, Richard M.	✓	
Bordenet, John	✓	
Herbert, Christopher J.	✓	
Luneau, David	✓	
McBeath, Rebecca	✓	
TOTAL VOTE:	20	0

Committee Report

CONSENT CALENDAR

March 11, 2015

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on COMMERCE AND CONSUMER

AFFAIRS to which was referred HB122,

AN ACT relative to advertising of liquor or beverages.

Having considered the same, report the same with the

recommendation that the bill OUGHT TO PASS.

Rep. Pamela Z. Tucker

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB122
Title:	relative to advertising of liquor or beverages.
Date:	March 4, 2015
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill makes minor modifications to RSA 179:31, addressing advertising on alcoholic beverages. The bill came to fruition due to restrictions placed on the liquor commission in approving labeling for a particular brand of beer. Current law prohibits any depiction of minors for use of advertising, and rightfully so to not encourage underage drinking. However, the law is overly restrictive and does not allow leeway if the advertising did use a minor, perhaps a small child, but in no way promoted underage drinking. This bill allows for common sense determinations to be considered by the liquor commission in approving advertising instead of overly strict laws.

Vote 20-0.

Rep. Pamela Z. Tucker
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB122, relative to advertising of liquor or beverages. **OUGHT TO PASS.**

Rep. Pamela Z. Tucker for COMMERCE AND CONSUMER AFFAIRS. This bill makes minor modifications to RSA 179:31, addressing advertising on alcoholic beverages. The bill came to fruition due to restrictions placed on the liquor commission in approving labeling for a particular brand of beer. Current law prohibits any depiction of minors for use of advertising, and rightfully so to not encourage underage drinking. However, the law is overly restrictive and does not allow leeway if the advertising did use a minor, perhaps a small child, but in no way promoted underage drinking. This bill allows for common sense determinations to be considered by the liquor commission in approving advertising instead of overly strict laws.

Vote 20-0.

Stapler, Carol

From: John B Hunt [jbhunt@prodigy.net]
Sent: Wednesday, March 04, 2015 1:47 PM
To: Tucker, Pamela
Cc: Stapler, Carol
Subject: Re: Hb122 otp



Sent from my iPad

> On Mar 4, 2015, at 11:54 AM, Pamela Tucker <pamzt@comcast.net> wrote:

>

> HB 122 makes minor modifications to RSA 179:31, addressing advertising on alcoholic beverages. The bill came to fruition due to restrictions placed on the liquor commission in approving labeling for a particular brand of beer. Current law prohibits any depiction of minors for use of advertising, and rightfully so to not encourage underage drinking. However, the law is overly restrictive and does not allow leeway if the advertising did use a minor, perhaps a small child, but in no way promoted underage drinking. This bill allows for common sense determinations to be considered by the liquor commission in approving advertising instead of overly strict laws.

> Sent from my iPad