

Committee Report

CONSENT CALENDAR

March 2, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Commerce and Consumer Affairs to which was referred HB 403,

AN ACT relative to the sale of alcoholic beverages in refillable containers. Having considered the same,

report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Jeffrey Greeson

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 403
Title:	relative to the sale of alcoholic beverages in refillable containers.
Date:	March 2, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The purpose of this bill is to allow the sale of alcoholic beverages in misbranded refillable containers at the direction of the buyer. Growlers are typically 64 ounce glass or ceramic containers filled in breweries or brew pubs for consumption off premises. The issue is that some brewers will fill only growlers with their beer logo and refused to fill a growler branded by another brewer. During the hearing, a representative from the Liquor Commission stated that a beverage manufacturer is allowed to fill whatever "suitable container" they are willing to fill. By request of the sponsor, the bill was found to be Inexpedient To Legislate.

Vote 17-1.

Rep. Jeffrey Greeson
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 403, relative to the sale of alcoholic beverages in refillable containers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. The purpose of this bill is to allow the sale of alcoholic beverages in misbranded refillable containers at the direction of the buyer. Growlers are typically 64 ounce glass or ceramic containers filled in breweries or brew pubs for consumption off premises. The issue is that some brewers will fill only growlers with their beer logo and refused to fill a growler branded by another brewer. During the hearing, a representative from the Liquor Commission stated that a beverage manufacturer is allowed to fill whatever “suitable container” they are willing to fill. By request of the sponsor, the bill was found to be Inexpedient To Legislate. **Vote 17-1.**

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

March 2, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Commerce and Consumer Affairs to which was referred HB 403,

AN ACT relative to the sale of alcoholic beverages in refillable containers. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Max Abramson

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 403
Title:	relative to the sale of alcoholic beverages in refillable containers.
Date:	March 2, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The Commerce and Consumer Affairs Committee was assured that we don't need this law to ensure that you can bring your own growler to any brewer, but liquor laws don't operate the way other laws do. In many cases, the General Court must operate to preempt future regulations by the next Governor's appointees to prevent possible misinterpretation of legislative intent. While the statute probably isn't necessary to protect the right of Granite Staters to bring their own growler into a brewer, the minority felt that this bill wouldn't do any harm either. Whenever a bill protects liberty at no other cost to taxpayers nor consumers, it is worth implementing in the Live Free or Die state.

Rep. Max Abramson
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 403, relative to the sale of alcoholic beverages in refillable containers. **OUGHT TO PASS.**

Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee was assured that we don't need this law to ensure that you can bring your own growler to any brewer, but liquor laws don't operate the way other laws do. In many cases, the General Court must operate to preempt future regulations by the next Governor's appointees to prevent possible misinterpretation of legislative intent. While the statute probably isn't necessary to protect the right of Granite Staters to bring their own growler into a brewer, the minority felt that this bill wouldn't do any harm either. Whenever a bill protects liberty at no other cost to taxpayers nor consumers, it is worth implementing in the Live Free or Die state.

Original: House Clerk

Cc: Committee Bill File

Archived: Thursday, April 22, 2021 1:00:36 PM
From: JOHN HUNT
Sent: Wednesday, March 10, 2021 3:15:16 PM
To: Carrie Morris
Subject: HB403 Growlers revised
Importance: Normal

Majority Report – HB-403 - relative to the sale of alcoholic beverages in refillable containers.

The purpose of this bill is to allow the sale of alcoholic beverages in misbranded refillable containers at the direction of the buyer. Growlers are filled and sold by Beverage Manufactures, the issue was that some of these breweries would fill only their growlers and refused to fill someone else growler. During the hearing, the Liquor commission stated that a beverage manufacture is allowed to fill whatever "suitable container" they are willing to fill. By request of the sponsor, the bill was found to be Inexpedient To Legislate.

Archived: Wednesday, May 5, 2021 1:41:16 PM

From: JOHN B HUNT

Sent: Tuesday, February 9, 2021 8:24:42 PM

To: Pam Smarling; Carrie Morris

Subject: Fwd: minority report on HB475, prohibiting the distribution of driver's license images

Importance: Normal

Approve,

I do not dare to change anything.

JBH

Begin forwarded message:

From: Max Abramson <MaxAbramson@gmx.com>

Subject: minority report on HB475, prohibiting the distribution of driver's license images

Date: February 9, 2021 at 6:28:49 PM EST

To: John Hunt <jbhunt@prodigy.net>

The minority felt that the need to protect privacy was already well established by the recent passage of an amendment to the New Hampshire Constitution's Bill of Rights, Article 2-b, was indication by the voters that their own personal information had value and should be protected. None of the businesses that raised concerns about the bill had a problem if it were amended to ensure that they could take a driver's license. As identity theft has become a growing problem, the minority concluded that those businesses taking a copy of your driver's license should have a policy in place to prevent your home address, medical information, photo, and other information from becoming a commodity on the Russian black market.

Rep. Max Abramson

Free Chad Evans. There is justice in Heaven, and there is justice in Hell. Both are therefore a law abider's utopia's compared to this monstrosity that our taxpayers are compelled to prop up.

"The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling."

--Thomas Sowell

"It is better to take refuge in the Lord than to trust in man." --Psalms 118:8

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 403

BILL TITLE: relative to the sale of alcoholic beverages in refillable containers.

DATE: March 2, 2021

LOB ROOM: Zoom

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Greeson

Seconded by Rep. Potucek

Vote: 17-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION ON HB 403

BILL TITLE: relative to the sale of alcoholic beverages in refillable containers;

DATE: 3/2/2021

LOB ROOM: Zoom

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Greeson Seconded by Rep. Potucek Vote: 17-1

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? Yes No

Minority Report? X Yes No If yes, author, Rep.: Abramson Motion: OTP

Respectfully submitted, Rep. Ammon , Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



1/22/2021 9:55:55 AM
Roll Call Committee Registers
Report

2021 SESSION

Commerce and Consumer Affairs

Bill #: HB403 Motion: ITL AM #: _____ Exec Session Date: 3/2/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	17		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max		1	
Ham, Bonnie D.	4		
Depalma IV, Joseph	5		
Greeson, Jeffrey	6		
Johnson, Dawn M.	7		
Terry, Paul A.	8		
Bartlett, Christy D.	9		
Abel, Richard M.	10		
Herbert, Christopher J.	11		
Van Houten, Constance	12		
Fargo, Kristina M.	13		
Weston, Joyce	14		
Beaulieu, Jane E.	15		
Burroughs, Anita D.	16		
McAlear, Chris R.			
TOTAL VOTE:	17	1	

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 403

BILL TITLE: relative to the sale of alcoholic beverages in refillable containers.

DATE: February 9, 2021

LOB ROOM: Remote **Time Public Hearing Called to Order:** 2:36 p.m.

Time Adjourned: 3:02 p.m.

Committee Members: Reps. Hunt, Potucek, Ammon, Ham, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:

Rep. Prout

Rep. Conley

Rep. Binford

Rep. Belanger

Rep. Bordes

TESTIMONY

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

Rep Prout

This bill would allow breweries to fill each other's growlers. This bill removes the prohibition for mislabeled alcohol for growlers. Encourages visiting new breweries without being forced to buy yet another growler.

Rep Bartlett

Q: What if there's a problem with that product and there's no way to trace which brewery made that beer?

A: It brings up a couple of issues. Is there a problem with an unclean growler or is there a problem with a beer? Most brewers attach a paper tag with the product and date. That would solve that problem.

Q: We buy milk in refillable glass jars. We wash them well before going back to the dairy. The dairy has to go through a sanitizing process. How will they deal with an unclean growler that causes a problem.

A: I agree with you that's a problem. It's not a problem created by this bill.

Q: This bill does not address that issue. It doesn't have to be clean. If there's a subsequent problem tracing could be an issue, do you agree?

A: It's not a change by this bill. You can already bring growlers that have no label. This addresses labels etched in the side of the growler. Paper tags or painters tape with writing on it would solve the problem of tracing and they already do that.

Rep Hunt

Q: The only person that could be filling this is a beverage manufacturer. Are you expecting to have a on-premise licensee and have them fill a growler?

A: Manufacturers and brew pubs can currently fill a growler. This bill would not change who can fill a growler.

Q: If I bring brand X into manufacturer Y, this bill says disregard the label.

A: That's the intent of this bill.

Q: Exactly what the beverage manufacturers don't want this to happen. Have any expressed interest in this bill.

A: I've had them tell me they'd be happy in the past.

Rep Beaulieu

Q: It could be misrepresentation of product. I don't like this bill, would you believe?

A: That's one of the reason that the bill limits as at only at the direction of the customer. All brewers I've seen put some temporary tag on it. It would be rare to have it misrepresented.

Rep Ham

Q: WYB, I have concerns about this? I could be false advertising. I have questions if the majority of the brewers would be in favor of this.

A: All breweries produce multiple beer products and change them often. The growler is labeled so people know which product was filled. I have not run a survey on breweries willing to fill other growlers. This bill would not compel, just remove the state prohibition.

Rep Greeson

Q: Would this bill allow someone to be able to obtain a growler already filled.

A: I believe it would only be you to take a growler to get it filled. Someone may have friends over and the person would be present to answer any questions.

Q: Milk bottles, it isn't like there's an exchange of bottles. You take it in an bring it back at the same time.

A: I haven't seen a brewery with a service that exchanges growlers for clean growlers.

Rep McAleer

Q: Do they put some sort of seal at the top. If the seal is labeled, it could prevent misidentification, correct?

A: Some do that. Others use tags, painters tape. There isn't a uniform consistency in the process.

Rep Potucek

Q: WYB, this is the norm in the state of PA?

A: Yes, I would believe that.

Rep Terry

Q: When taking growlers back to the original brewery, we receive a discount on the purchase of another growlers. WYB?

A: I haven't personally experienced it but would believe it.

Rep Hunt: Hennicker has a whole wall of other growlers on the wall. Why should the state stop you from filling your growler?

Aidan Moore

Will try to clarify what is currently the law and distinguish it from business practices. "Growler" is not defined in Title XIII. Slang term to describe a refillable container. Growlers are intended for personal consumption not for commercial distribution. Nothing in the law that forbids a consumer from taking growler A to brewer B. Nothing in RSA 175:2 that forbids a consumer from having their growler filled at a different beverage manufacturer. RSA is really focused at the liquor condition to insure the purity and misbranding of liquor. Doesn't apply to wine or beverages. Growler is based on a term used in 5 statutes that use the phrase "suitable container." The commission has interpreted that phrase as that able to be filled by a consumer. Law as currently written would permit a

consumer to have a growler filled at a different brewery. If refused, it's probably the other manufacturer refusing due to their own standards.

Rep Prout

In light of that new information, I don't think this bill would be necessary.

HOUSE COMMITTEE ON COMMERCE & CONSUMER AFFAIRS

PUBLIC HEARING on Bill # HB403

BILL TITLE:

DATE: Feb 9, 2021

ROOM: Zoom

Time Public Hearing Called to Order: 2:36 PM

Time Adjourned: 3:02 PM

(please bold if present)

Committee Members: Reps. Hunt, Potucek, Ammon, Osborne, Abramson, Ham, Depalma IV, Greeson, Johnson, Terry, Bartlett, Abel, Herbert, Van Houten, Fargo, Weston, Beaulieu, Burroughs and McAleer

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Rep Prout

In light of that new information, I don't think this bill would be necessary.

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB403 on 2021-02-09

Support: 14 Oppose: 1 Neutral: 1 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Prout, Andrew	Andrew.Prout@leg.state.nh.us	603.265.0771	An Elected Official	Myself, prime sponsor	Support	Yes (5m)	2/9/2021 2:17 PM
Moore, Aidan	aidan.moore@liquor.nh.gov	603.931.0222	State Agency Staff	Myself	Neutral	Yes (1m)	2/9/2021 8:23 AM
Axelman, Elliot	aluaxelman@gmail.com	732.674.2355	A Member of the Public	Myself	Support	No	2/9/2021 8:44 AM
McGregor, Mary	moeandgretasmommy@gmail.com	603.290.4572	A Member of the Public	Myself	Support	No	2/9/2021 9:12 AM
Beene, Holly	holly.beene@yahoo.com	682.225.2425	A Member of the Public	Myself	Support	No	2/9/2021 9:30 AM
Calitz, Louis	louis@free603.org	917.519.2528	A Member of the Public	Myself	Support	No	2/9/2021 9:48 AM
Hoy, Daniel	hoy.dan@gmail.com	603.988.5710	A Member of the Public	Myself	Support	No	2/3/2021 8:42 AM
Yokela, Josh	josh.yokela@leg.state.nh.us	603.722.0501	An Elected Official	Rockingham 33	Support	No	2/8/2021 6:06 AM
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Support	No	2/8/2021 9:36 AM
Frey, Kate	kfrey@new-futures.org	603.340.0246	A Lobbyist	Myself	Oppose	No	2/8/2021 7:27 PM
Blasek, Melissa	melissa.blasek@leg.state.nh.us	603.401.2542	An Elected Official	Myself	Support	No	2/8/2021 10:40 PM
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	734.355.3870	A Member of the Public	Myself	Support	No	2/8/2021 10:42 PM
Howland, Curtis	howland@priss.com	603.512.3414	A Member of the Public	Myself	Support	No	2/8/2021 10:43 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2/8/2021 11:36 PM
Mennella, Alexandra	amennella1@protonmail.com	646.610.9858	A Member of the Public	Myself	Support	No	2/9/2021 7:28 AM
Gericke, Carla	carlagericke@gmail.com	917.607.4353	A Member of the Public	Myself	Support	No	2/9/2021 7:55 AM

Testimony

Archived: Wednesday, April 14, 2021 9:44:37 AM
From: [Elliot Axelman](#)
Sent: Thursday, February 25, 2021 11:13:34 PM
To: [~House Commerce Committee](#)
Subject: Please support HB403
Importance: Normal

Dear Representatives,

My family and I would like you to please support HB403.

While I am only recently getting into beer, my wife and brothers love beer and might sometime wish to have their growlers refilled at a local bar or brewery. Currently, it is illegal to refill a growler at any bar other than the one which originally sold it to you. This is obviously ridiculous and seems like tyranny for the sake of tyranny, and nothing else.

Please recommend HB403 OTP so that we can all legally drink beer together.

I explain this incredibly complicated concept (being legally allowed to buy beer) in a [recent article](#), which I hope you read and enjoy.

Thank you very much!

--

Elliot Axelman, FP-C
Editor-in-chief
[LibertyBlock.com](#)

Bill as
Introduced

HB 403 - AS INTRODUCED

2021 SESSION

21-0453

08/06

HOUSE BILL **403**

AN ACT relative to the sale of alcoholic beverages in refillable containers.

SPONSORS: Rep. Prout, Hills. 37; Rep. Conley, Straf. 13; Rep. Binford, Graf. 15; Rep. Belanger, Rock. 9; Rep. Bordes, Belk. 3

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill allows the sale of alcoholic beverages in misbranded refillable containers at the direction of the buyer.

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 Twenty One

AN ACT relative to the sale of alcoholic beverages in refillable containers.

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

1 1 New Section; Branding on Refillable Containers. Amend RSA 175 by inserting after section 2
2 the following new section:

3 175:2-a Branding on Refillable Containers. Where the retail sale of any beverage in a refillable
4 container has been authorized, a licensee may fill a container with a beverage that does not match
5 the labeling on the container at the direction of the buyer.

6 2 Effective Date. This act shall take effect upon its passage.