

# Committee Report

**CONSENT CALENDAR**

**May 13, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Commerce and Consumer Affairs to  
which was referred SB 18,**

**AN ACT permitting tastings by liquor manufacturers at  
farmers markets. Having considered the same, report  
the same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. John Potucek**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Commerce and Consumer Affairs</b>
Bill Number:	<b>SB 18</b>
Title:	<b>permitting tastings by liquor manufacturers at farmers markets.</b>
Date:	<b>May 13, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2021-1403h</b>

### **STATEMENT OF INTENT**

This bill amends RSA 179:44 to allow liquor manufacturers to join wine manufacturers, beverage manufacturers, nano-breweries and brew pubs in their ability to provide tastings at farmers markets. The bill now “levels the playing field” for all manufacturers of alcoholic products. The amendment corrects a grammatical issue. The Commerce and Consumer Affairs Committee felt it was only fair for patrons of farmers markets to be able to sample all New Hampshire manufactured alcoholic beverages, and unanimously supported this bill.

Vote 19-0.

Rep. John Potucek  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Commerce and Consumer Affairs

**SB 18**, permitting tastings by liquor manufacturers at farmers markets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill amends RSA 179:44 to allow liquor manufacturers to join wine manufacturers, beverage manufacturers, nano-breweries and brew pubs in their ability to provide tastings at farmers markets. The bill now “levels the playing field” for all manufacturers of alcoholic products. The amendment corrects a grammatical issue. The Commerce and Consumer Affairs Committee felt it was only fair for patrons of farmers markets to be able to sample all New Hampshire manufactured alcoholic beverages, and unanimously supported this bill. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

**Archived:** Tuesday, June 1, 2021 11:30:35 AM  
**From:** JOHN HUNT  
**Sent:** Tuesday, May 25, 2021 11:10:36 AM  
**To:** Carrie Morris  
**Cc:** Pam Smarling  
**Subject:** Fwd: SB18 Majority Blurb - OTPA  
**Importance:** Normal

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OK,  
JBH

Begin forwarded message:

**From:** "John Potucek" <[potucek1@comcast.net](mailto:potucek1@comcast.net)>  
**Subject:** FW: SB18 Majority Blurb - OTPA  
**Date:** May 24, 2021 at 4:57:37 PM EDT  
**To:** "John B. Hunt" <[jbhunt@prodigy.net](mailto:jbhunt@prodigy.net)>, <[jbhuntnh@gmail.com](mailto:jbhuntnh@gmail.com)>

John,  
Here it is:  
John

Rep. John Potucek for the Majority of Commerce and Consumer Affairs. Permitting tastings by liquor manufacturers at farmers markets. This Bill amends RSA179:44 to allow liquor manufacturers to be included with wine manufacturers , beverage manufacturers, nano breweries and brew pubs to be able to provide tastings at farmers markets. The Bill now "levels the playing field" for all manufacturers of alcoholic products. The Commerce and Consumer Affairs Committee felt it was only fair for patrons of farmers markets to be able to sample all New Hampshire manufactured alcoholic beverages, and unanimously supported this bill. Vote 19-0.

Amendment to SB 18

1 Amend RSA 178:6, IV as inserted by section 2 of the bill by replacing it with the following:

2

3 IV. A liquor manufacturer may provide to visitors of legal drinking age at its facility  
4 samples of liquor manufactured on the premises for tasting. Samples may be provided either free or  
5 for a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under this  
6 section shall be subject to fees as established in paragraph VI. ***A liquor manufacturer that***  
7 ***produces fewer than 10,000 bottles during their licensing year and that operates and***  
8 ***produces liquor solely within the state may transport to and sell its products at a farmers***  
9 ***market at retail in the original sealed containers and may offer samples as provided in***  
10 ***this paragraph.***

# Voting Sheets

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**EXECUTIVE SESSION on SB 18**

**BILL TITLE:** permitting tastings by liquor manufacturers at farmers markets.

**DATE:** May 13, 2021

**LOB ROOM:** 306-308 Hybrid

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Van Houten                      Seconded by Rep. Hunt                      AM Vote: 19-0

Amendment # 2021-1403h

Moved by Rep. Potucek                      Seconded by Rep. Van Houten                      Vote: 19-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Keith 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 #: SB18      Motion: OTP/A      AM #: \_\_\_\_\_      Exec Session Date: 5/13/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	19		
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.	12		
Van Houten, Constance	13		
Fargo, Kristina M.	14		
Weston, Joyce	15		
Beaulieu, Jane E.	16		
Burroughs, Anita D.	17		
McAlear, Chris R.	18		
<b>TOTAL VOTE:</b>			

# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 18

**BILL TITLE:** permitting tastings by liquor manufacturers at farmers markets.

**DATE:** March 23, 2021

**LOB ROOM:** Remote                      **Time Public Hearing Called to Order:** 9:04 a.m.

**Time Adjourned:** 9:27 a.m.

**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

**Bill Sponsors:**

Sen. Birdsell

Sen. French

Sen. Cavanaugh

Sen. Carson

TESTIMONY

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

Senator Birdsell

State Senator District 19. This bill allows the tastings of distilleries to come to farmer's markets. It limits to half ounce per label per person. It duplicates what beer and wine are able to do. It limits to incubator distilleries. It limits to only distilleries that have 10,000 bottles per year to keep it an incubator process. In the senate hearing, the liquor commission was in full support of this legislation.

Aidan Moore

Liquor Commission. I'm hear to see if you have technical questions on this bill.

Rep Hunt: This is the one you guys amended in the Senate and you now think everything in this bill is appropriate.

Moore: We made sure this was to promote New Hampshire distilleries and not for larger, out of state distilleries.

Rep Abel

Q: Could you quickly review for us how checking identification is covered in the bill?

A: Lines 2 through 10 describe the process and limitations. Farmer's markets are controlled locally. When a distillery is going to participate, they need to register, pay fees and follow rules set at the local level. Then it will be incumbent upon any licensees to follow RSA 1795 that prohibits liquors from being sold to intoxicated persons.

Rep Bartlett

Q: This is a change from beer and wine to hard liquor. I see it's a smaller amount that distillers would be able to offer. A half ounce per label, how many distilleries have more than one label?

A: I couldn't tell you for certain how many have more than one label. Most likely, they'll want to bring all their products along. Farmer's markets don't want to turn into a happy hour. Half ounce spirits, if 80 proof (40%), provides the consumer with enough to taste but not become intoxicated on. If distilleries have multiple labels, most likely they'll want to charge for it, which will likely limit consumption.

Q: Is mead considered a distilled product?

A: Meads are in a world of their own. Within the definition of a beverage, mead is defined.

Rep Hunt: That's a wine pour.

Q: Is Tamworth distillery considered an incubator distillery?

A: We'd notify distilleries whether they'll be able to participate in farmer's markets. They report their figures to us.

Rep Hunt: A half ounce is a third of a shot.

Andy Day

Owner of Doire Distilling in downtown Derry. Senator Birdsell has worked with us in the past. We would be one of these small production, incubator distilleries. We are a business, and we take alcohol very seriously. We have twenty different products and would select a hand full to display at farmers markets. I like to narrow down a customer's choices based on their tastes, so I don't give away everything. Brewers, wineries, and distilleries will work as a team to make sure people don't over consume. We're excited for this bill to become law.

Rep Potucek

Q: Would you believe I've worked with Andy Day on other bills and I'm on the board of the Derry Farmer's market?

A: (no response required)

Christopher Burk

Owner Cathedral Ledge Distillery in North Conway. New Hampshire's first certified organic distillery. We would like to meet customers at farmer's markets who prioritize fresh organic ingredients. We support this bill.

HOUSE COMMITTEE ON COMMERCE & CONSUMER AFFAIRS

**PUBLIC HEARING on Bill # SB18**  
**BILL TITLE:** **permitting tastings by liquor manufacturers at farmers markets.**  
**DATE:** **March 23, 2021**

**ROOM:** **Zoom** **Time Public Hearing Called to Order: 9:04 AM**

**Time Adjourned: 9:27 AM**

(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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# House Remote Testify

## Commerce and Consumer Affairs Committee Testify List for Bill SB18 on 2021-C

Support: 10 Oppose: 1 Neutral: 0 Total to Testify: 2

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Moore, Aidan	Concord, NH aidan.moore@liquor.nh.gov	State Agency Staff	NH Liquor Commission	Support	Yes (2m)	3
Birdsell, Senator Regina	Hampstead, NH regina.birdsell@leg.state.nh.us	An Elected Official	Senate District 19	Support	Yes (0m)	3
Carson, Sharon	Londonderry, NH deborah.chroniak@leg.state.nh.us	An Elected Official	Senate District 14	Support	No	3
French, Senator Harold	Canterbury, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 7	Support	No	3
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Support	No	3
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	3
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	3
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	3
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	3
Frey, Kate	Concord, NH kfrey@new-futures.org	A Lobbyist	Myself	Oppose	No	3
Johnson, II, Robert	Concord, NH robj@nhfarmbureau.org	A Lobbyist	NH Farm Bureau Federation	Support	No	3



# Testimony

**Archived:** Tuesday, April 27, 2021 12:45:54 PM

**From:** [Tracy Burk](#)

**Sent:** Monday, March 22, 2021 3:25:14 PM

**To:** [~House Commerce Committee](#)

**Subject:** Please Support SB18 Tomorrow

**Importance:** Normal

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Good afternoon,

My husband and I are the owners of a new craft distillery located in North Conway, Cathedral Ledge Distillery. We opened our doors to the public in December 2020. After working closely with the New Hampshire Department of Agriculture, Markets and Foods, we are proud to be the first USDA-certified organic distillery in New Hampshire. We are also very excited to be part of the New Hampshire business community.

It has come to our attention that the Commerce and Consumer Affairs Committee will be discussing SB18 tomorrow, and we wanted to reach out to you and ask for your support of the bill. SB18 would allow small distilleries that only distribute their spirits in New Hampshire to be able to provide tastings and sell spirits at farmers markets in New Hampshire. These open air locations would be great venues for us and other eligible distilleries in the current health emergency, allowing potential customers to be introduced to our products in a safe, open-air environment. Given that indoor tastings at New Hampshire State Liquor Stores are currently suspended, the farmers markets would help to fill a significant gap in our marketing opportunities.

Also, given that the potential rule change would not take effect for 60 days, I would like to encourage the swift passage of the bill, so that the farmers market season has not passed us by. Given the recent beautiful weather in the area, I am sure farmers markets will be starting soon, and we are excited to be able to share our products with both local residents and visitors to NH in the coming months.

Thank you for your consideration. I look forward to joining the webinar tomorrow to hear the discussion!

Best,

Tracy Burk  
Cathedral Ledge Distillery  
PO Box 822  
North Conway, NH 03860  
603/730-5696

Bill as  
Introduced

**SB 18 - AS INTRODUCED**

2021 SESSION

21-0328

08/04

SENATE BILL        **18**

AN ACT            permitting tastings by liquor manufacturers at farmers markets.

SPONSORS:        Sen. Birdsell, Dist 19; Sen. French, Dist 7; Sen. Cavanaugh, Dist 16; Sen. Carson,  
Dist 14

COMMITTEE:      Commerce

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ANALYSIS

This bill allows liquor manufacturers to offer samples 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 Twenty One*

AN ACT                    permitting tastings by liquor manufacturers at farmers markets.

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

1            1 Free Drinks; Liquor Manufacturers. Amend RSA 179:44, II-a to read as follows:

2            II-a. Notwithstanding paragraph I, wine manufacturers, beverage manufacturers, nano  
3 breweries, ***liquor manufacturers***, and brew pubs may provide samples for tasting to persons of  
4 legal drinking age at a farmers' market provided they have received written authorization by the  
5 town or city's governing body, which authorization shall remain effective until revoked in writing,  
6 and they have provided the commission with a copy of that authorization. Provision of samples  
7 shall be restricted to clearly defined areas approved by the commission. Samples shall be limited to  
8 one 4-ounce sample per label per person for any beer, specialty beer, or cider, and one 2-ounce  
9 sample per label per person for any wine ***and 1/2-ounce sample per label per person for any***  
10 ***liquor.***

11            2 Liquor Manufacturers License. Amend RSA 178:6, IV to read as follows:

12            IV. A liquor manufacturer may provide to visitors of legal drinking age at its facility  
13 samples of liquor manufactured on the premises for tasting. Samples may be provided either free or  
14 for a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under this  
15 section shall be subject to fees as established in paragraph VI. ***A liquor manufacturer may***  
16 ***transport its products to a farmers market and may offer samples as provided in this***  
17 ***paragraph. Such products may be sold at retail at the farmers market in the original***  
18 ***containers.***

19            3 Effective Date. This act shall take effect 60 days after its passage.