

Committee Report

CONSENT CALENDAR

May 25, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred SB 66-FN,**

**AN ACT allowing on-premises licensees to transport
beverages and wines for delivery to consumers. 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:	Commerce and Consumer Affairs
Bill Number:	SB 66-FN
Title:	allowing on-premises licensees to transport beverages and wines for delivery to consumers.
Date:	May 25, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-1495h

STATEMENT OF INTENT

This bill allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee. The law is modelled after the Governor's emergency order. Adoption of this legislation will make this a permanent option. The amendment repeals a sunset provision and makes the law effective upon signing by the Governor.

Vote 17-0.

Rep. John Potucek
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

SB 66-FN, allowing on-premises licensees to transport beverages and wines for delivery to consumers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee. The law is modelled after the Governor's emergency order. Adoption of this legislation will make this a permanent option. The amendment repeals a sunset provision and makes the law effective upon signing by the Governor.

Vote 17-0.

Archived: Tuesday, June 1, 2021 12:40:12 PM
From: JOHN HUNT
Sent: Tuesday, May 25, 2021 5:05:42 PM
To: Carrie Morris
Cc: Pam Smarling
Subject: Fwd: SB66-FN Majority Blurb - OTPA
Importance: Normal

Carrie,

I think I already did this bill, so if you have sent it over, you can use version.

Thanks,

John

Begin forwarded message:

From: "John Potucek" <potucek1@comcast.net>
Subject: FW: SB66-FN Majority Blurb - OTPA
Date: May 25, 2021 at 11:10:05 AM EDT
To: "John B. Hunt" <jbhunt@prodigy.net>, <jbhuntnh@gmail.com>

John,

Here it is:

John

Rep. John Potucek for the Majority of Commerce and Consumer Affairs. Allowing on-premise licensees to transport beverages and wines for delivery to consumers. This bill allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee. This Bill amends RSA179:15 to allow authorized persons to deliver such alcoholic products, with food, to New Hampshire residential customers. The Commerce and Consumer Affairs Committee concurred, and unanimously supported this bill. Vote 17-0.

Rep. Hunt, Ches. 11
May 14, 2021
2021-1495h
08/11

Amendment to SB 66-FN

- 1 Amend the bill by replacing all after section 1 with the following:
- 2
- 3 2 Effective Date. This act shall take effect upon its passage.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 66-FN

BILL TITLE: allowing on-premises licensees to transport beverages and wines for delivery to consumers.

DATE: May 13, 2021

LOB ROOM: 306-308 Hybrid

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Hunt Seconded by Rep. Potucek AM Vote: 10-9

Amendment # 2021-1398h

Moved by Rep. Ham Seconded by Rep. Potucek Vote: 17-2

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION ON SB66_____

BILL TITLE: allowing on-premises licensees to transport beverages and wines for delivery to consumers.

DATE: 5/13/21

LOB ROOM: 306-308

MOTION: (Please check one box)

- OTP ITL Retain (1st year) Adoption of
Amendment # 1398h
 Interim Study (2nd year) *(if offered)*

Moved by Rep. Hunt Seconded by Rep. Potucek Vote: 10-9

MOTION: (Please check one box)

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

Moved by Rep. Ham Seconded by Rep. Potucek Vote: 17-2

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? Yes No If yes, author, Rep.: _____ Motion: _____

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 #: SB66 Motion: OTP AM #: 1398h Exec Session Date: 5/13/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Hunt, John B. Chairman	10		
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.		1	
Abel, Richard M.		2	
Herbert, Christopher J.		3	
Van Houten, Constance		4	
Fargo, Kristina M.		5	
Weston, Joyce		6	
Beaulieu, Jane E.		7	
Burroughs, Anita D.		8	
McAleer, Chris R.		9	
TOTAL VOTE:	10	9	

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 #: SB66 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	17		
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.		1	
Van Houten, Constance	12		
Fargo, Kristina M.	13		
Weston, Joyce	14		
Beaulieu, Jane E.		2	
Burroughs, Anita D.	15		
McAlear, Chris R.	16		
TOTAL VOTE:	17	2	

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 66-FN

BILL TITLE: allowing on-premises licensees to transport beverages and wines for delivery to consumers.

DATE: March 23, 2021

LOB ROOM: Remote **Time Public Hearing Called to Order:** 10:56 a.m.

Time Adjourned: 11:21 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. French

Sen. Carson

Sen. Cavanaugh

Sen. Giuda

Sen. Rosenwald

Sen. Avard

Sen. Prentiss

TESTIMONY

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

Rep Potucek

Rockingham 6, Derry. Introducing SB66. (read title and analysis.)

Jamie Burnett *

On behalf of the Wine Institute, we fully support SB66. It would help out businesses struggling during the pandemic, particularly wineries. We support the bill and hope you'll consider passing.

Brian Moran

New England Convenience Store and Energy Markets Association. We request three changes: 1) We recommend the volumes of alcohol allowed to-go should be reduced to something more comparable to dine-in experience. 2) two-year sunset be reduced to one-year. 3) new licensees would be able to report on some timely bases the volumes of beverages and wines sold with meals to go, to determine if this is of value and necessary for this category.

Mike Somers

President and CEO of NH Lodging and Restaurant Association. The industry was allowed to experiment with this in the last year. We are testifying in support. We request two minor changes at the end of page 3. 1) It would make sense not to sunset after two years but make this permanent. Industry likes certainty. It's an important piece of businesses for some businesses. 2) Effective date: it would make sense to pass this as soon as possible because we don't know when the governor's emergency order expires.

Rep Weston

Q: HB593 delivery services. Grub hub and Door Dash, how would this effect their delivery services?

A: The bill requires a restaurant employee to deliver alcohol. Third party delivery services are left out of this legislation.

Rep Burroughs

Q: Are there limits to the amount of alcohol that can be delivered?

A: There are limits. The amounts in the emergency order are the same as this bill.

Q: Do you agree that additional limits should be in the bill?

A: I don't, these are reasonable amounts. If you have 5 or 6 people over for dinner you may need more than 3 bottles of wine. People are going to order based on the number of people eating dinner at that time.

Kate Frey

New Futures. We're opposed to versions of this bill because we oppose greater access to alcohol without new services for addiction. We support the two-year sunset. We'd like to know the volume and the data. We still don't have the data.

Rep Ammon

Q: If the data show shows the volume is high would that show the program for take-out alcohol is successful?

A: You can't make any judgements if you don't have the data.

Aidan Moore

Happy to answer additional questions on SB66.

Rep Hunt: Were you in the room when the two-year sunset was placed on the bill?

A: I did monitor the senate hearing. There was some question about whether or not there was adequate data that would help them decide if this should be permanent. The two-year sunset would allow the legislature to look at one more time.

Rep Hunt: Did this happen after we put the two-year sunset on the Door Dash bill?

A: I would think that great legislative minds think alike.

Rep Hunt: Aren't we allowed to have this right now because of the governor's order?

A: The amount of alcohol this bill allows is the same as the governor's executive order. If this bill passed, businesses would have to pay an additional \$250 fee and we would have data on which businesses were taking advantage of this type of service, because they would have to pay the additional fee. That would help us determine whether this program was successful before the two-year sunset expires.

Rep Van Houten

Q: What kind of impact would there be on our current three-tiered system?

A: None of us know exactly how that will shake out. I first joined the liquor commission's enforcement division. The clear and distinct lines between retail, wholesale, and manufacturers have been blurred. Some of the policies moved forward have yet to settle. We certainly have concerns about revenue to the general fund and public health issues. You've asked a great question and I really don't have an answer that would satisfy the broader question you're asking.

Kate Frey: The two-year sunset came from a year ago when all the omnibus bills in the Senate. That bill was vetoed but the Senate put back the two-year sunset in this bill.

Doug Clark

Own two restaurants in downtown Durham. We opened them in 2020 which turned out to be bad timing. The governor's office told us we should have known better than open a restaurant during the circumstances.

Rep Hunt: Are you talking about SB 107? We're not there yet.

HOUSE COMMITTEE ON COMMERCE & CONSUMER AFFAIRS

PUBLIC HEARING on Bill # SB66
BILL TITLE: **allowing on-premises licensees to transport beverages and wines for delivery to consumers.**
DATE: **March 23, 2021**

ROOM: **Zoom** **Time Public Hearing Called to Order: 10:56 AM**

Time Adjourned: 11:21 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 SB66 on 2021-C

Support: 9 Oppose: 2 Neutral: 0 Total to Testify: 4

[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>
Moran, Brian	Stoughton, MA brian@necsema.net	A Lobbyist	NECSEMA	Oppose	Yes (5m)	3
Moore, Aidan	Concord, NH aidan.moore@liquor.nh.gov	State Agency Staff	NH Liquor Commission	Support	Yes (2m)	3
Burnett, Jamie	Concord, NH jamie@sight-line.us	A Lobbyist	Wine Institute	Support	Yes (1m)	3
French/Josh Elliott, Senator Harold	Canterbury, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 7	Support	Yes (0m)	3
Fordey, Nicole	Litchfield, NH nikkif610@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
Giuda, Bob	Warren, NH bob.giuda@leg.state.nh.us	An Elected Official	NH Senate District 2	Support	No	3
Carson, Sharon	Londonderry, NH deborah.chroniak@leg.state.nh.us	An Elected Official	Senate District 14	Support	No	3
Rosenwald, Cindy	Concord, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	3

Testimony

March 23, 2021

Testimony of Brian Moran
Director of Government Affairs, New England Convenience Store & Energy Marketers Association

New Hampshire General Court
House Commerce and Consumer Affairs Committee

SB 66 – An Act allowing on premises licensees to transport beverages and wines for delivery to consumers.

Chairman Hunt, Vice Chair Potucek, and Members of the Committee:

The New England Convenience Store & Energy Marketers Association (NECSEMA) represents convenience store and gasoline retailers, independent transportation fuel distributors, and the businesses which supply them. According to the National Association of Convenience Stores, there are almost 900 convenience stores in New Hampshire (655 of which sell motor fuels) that employ over 14,000 people.

NECSEMA appreciates the recent sunset amendment proposed in the Senate. As proposed SB 66 would create a restaurant delivery license for restaurant on-premises permittees to sell up to 192 ounces of beverages (16 12-ounce bottles or cans) and 1.5 liters of wine (two bottles) with a food purchase for off-premises consumption. The new license category would sunset on June 30, 2023.

NECSEMA would not oppose this bill if three modest changes were made:

1. Our first concern is to reduce the volumes of beverages and wine allowed for sale under the restaurant delivery license. We request that the proposed volumes of 19 12-ounce beverages and 1.5 liters of wine be reduced to those amounts a typical party of four adults would consume during a meal at a restaurant.
2. Second, we request that the sunset provision be reduced from two years to one year. We believe one year is adequate time to determine the utility and necessity for this new license category, including reporting on the overall number of licenses issued, volumes sold, and an evaluation of any non-compliance issues encountered under this new license category.
3. Lastly, we request that holders of this new license be required to report on a timely basis all “to go” beverage and wine sales volumes and associated meal sales, to evaluate and determine the utility and necessity for this new license category. This information is necessary to objectively determine whether to discontinue or extend this license category in the future.

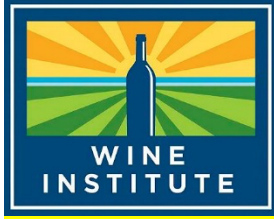
Thank you for your thoughtful consideration of our position and our modest requests to amend SB 66.

Respectfully,



Director Government Affairs
brian@necsema.net | 781-297-9600 x5

1044 Central Street, Suite 203
Stoughton, MA 02072
(781) 297 – 9600



March 23, 2021

Honorable John Hunt, Chair
House Committee on Commerce and Consumer Affairs

Re: SB 66-FN, "An Act Allowing On-premises Licensees to Transport Beverages and Wines for Delivery to Consumers"

Dear Chairman Hunt:

As a premier public policy advocacy group representing over 1,000 California wineries and affiliated businesses, Wine Institute would like to offer its wholehearted support for SB 66-FN, "An Act Allowing On-premises Licensees to Transport Beverages and Wines for Delivery to Consumers." We believe this legislation is a timely and essential tool for New Hampshire restaurants as they struggle to stay in business and that it will provide a much needed and significant benefit to in-state on-premises licensees and their customers.

Wine Institute empathizes with the distress facing our New Hampshire partners in the restaurant industry as COVID-19 restrictions and shutdowns continue. We applaud New Hampshire legislators and the New Hampshire Liquor Commission for their willingness to step in and help these restaurants by allowing on-premises licensees to sell wine and beer for off-premises consumption with take-out food orders.

Wineries have been hard hit by the loss of sales to on-premises licensees. Revenue losses for our country's thousands of wineries due to COVID-19 has been significant and could reach into billions of dollars in 2020 alone. While wine sales at off-premises licensees have remained steady, the impact to on-premises sales has been severe. And while direct-to-consumer wine shipment has increased during the pandemic, it has not come close to compensating for the loss of wine sales by restaurants, bars and other on-premises establishments.

We support SB 66 and hope that it will provide a desperately needed lifeline to New Hampshire's on-premises licensees. We believe that by allowing restaurants to sell wine by the bottle with food orders, it will ensure a much-needed boost to the state's struggling on-premises licensees.

In Ohio, Iowa, Washington, DC and Oklahoma, the cocktails-to-go privilege has been made permanent and several states have legislation pending that would grant this same privilege, including Rhode Island, Maine and Connecticut. Many state legislatures have granted this privilege on a temporary basis, including Massachusetts, California, New York, Louisiana, Nebraska, Nevada and Texas to name a few.

Wine Institute urges passage of SB 66. Thank you for thoughtful consideration.

Respectfully submitted,

Carol A Martel
Northeastern Counsel
Wine Institute
24 Sandpiper Lane
Merrimack, NH 03054
cmartel@wineinstitute.org

Fiscal Notes

**SB 66-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT allowing on-premises licensees to transport beverages and wines for delivery to consumers.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input type="checkbox"/> General Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Liquor

METHODOLOGY:

This bill allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the licensee.

The Liquor Commission indicates the bill would allow businesses that hold an on-premise license to acquire a separate license to deliver a limited quantity of beer or wine to customers who order food. The Commission reports, for almost a year, on premise licensees have been able to conduct home delivery of beer and wine under the authority of Emergency Order #2, pursuant to Executive order 2020-04. The Commission’s Division of Enforcement reports very few problems by licensees who have chosen to make home deliveries under the Emergency Order. The Commission contacted the New Hampshire Lodging and Restaurant Association to obtain an estimate on the number members that have taken advantage of the Emergency Order. The Association had no information regarding the number of members making deliveries under the Executive Order. The Commission's Division of Enforcement, Licensing and Education has incorporated enforcement of the Executive Order into the its regular duties. The Commission assumes, should the bill become law, there would be some impact on existing enforcement responsibilities, but the fiscal impact cannot be determined. There would be an increase in revenue from the \$250 licenses issue to businesses. The amount of additional revenue is also indeterminable.

It is assumed that any fiscal impact would occur after July 1, 2021

Bill as
Introduced

SB 66-FN - AS INTRODUCED

2021 SESSION

21-1025

08/11

SENATE BILL **66-FN**

AN ACT allowing on-premises licensees to transport beverages and wines for delivery to consumers.

SPONSORS: Sen. French, Dist 7; Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Avard, Dist 12; Sen. Prentiss, Dist 5

COMMITTEE: Commerce

ANALYSIS

This bill allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee.

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 allowing on-premises licensees to transport beverages and wines for delivery to consumers.

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

1 1 Transportation of Beverages and Wine. Amend RSA 179:15 to read as follows:

2 179:15 Transportation of Beverages and Wine.

3 **I.** A person may transport or deliver beverages and wines in this state without a license,
4 provided such beverages and wines were obtained as authorized by this title and provided such
5 beverages and wines are for consumption only and not for resale purposes.

6 **II.** Licensees may transport and deliver to their place of business beverages and wines
7 purchased as authorized under this title, and~~[-except on-premises licensees,]~~ may transport and
8 deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles
9 operated under the control of themselves or of their employees ~~[or agents]~~, provided that the owner
10 of such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on
11 behalf of the licensee for whom they are transporting such beverages and wines.

12 **III.(a)** *Notwithstanding the provisions of paragraph II, an on-premises licensee*
13 *may purchase a restaurant delivery license from the commission for \$250. Such license*
14 *shall expire one year after the date of issue and may be renewed by an on-premises licensee*
15 *for \$250 each year.*

16 **(b)** *An on-premises licensee in possession of a restaurant delivery license shall*
17 *only be permitted to transport beverages and wines for delivery to consumers subject to the*
18 *following requirements:*

19 **(1)** *All deliveries of beverages and wines shall be accompanied by food*
20 *prepared by the restaurant delivery licensee and ordered by the consumer;*

21 **(2)** *All deliveries of beverages and wine conducted pursuant to this section*
22 *shall be undertaken during the on-premises licensee's hours of operation and shall be*
23 *delivered only to areas where the sale of alcoholic beverages is permitted;*

24 **(3)** *All deliveries of beverages and wine shall be solely for the personal*
25 *consumption of the consumer and not for resale;*

26 **(4)** *All beverages and wines transported pursuant to RSA 179:15, II shall be*
27 *transported in their original, manufactured, sealed containers and shall consist of no*
28 *greater than 192 ounces of malt beverage or 1.5 liters of sparkling or still wine;*

1 (5) *Any individual engaged in the delivery of beverages and wines pursuant*
2 *to this section shall be an employee who regularly receives a W-2 from the on-premises*
3 *licensee and is at least 21 years of age; and*

4 (6) *During deliveries conducted under this section, the person engaged in*
5 *making the delivery shall acquire a signed receipt from the consumer. Consumers who*
6 *appear visibly intoxicated or who a reasonable and prudent person would know are*
7 *intoxicated, who do not produce identification verifying the consumer's age, or who fail to*
8 *sign a receipt shall not be entitled to his or her delivery of beverages or wine.*

9 (c) *No holder of a restaurant delivery license or on-premises license shall*
10 *deliver any alcoholic beverage to any college, university, or school, whether public or*
11 *private, located within the state. No holder of a restaurant delivery license or on-premises*
12 *license shall deliver any alcoholic beverage to any public library, public playground, or*
13 *public park.*

14 IV. *A person holding an on-premises license engaged in take-out services may*
15 *include beverages and wine with meals sold to a consumer for consumption by the*
16 *consumer and not for resale. The requirements set forth in subparagraph III(b) shall*
17 *apply to any take-out meal sold with beverages or wine.*

18 V. Every person operating such a vehicle, when engaged in such transportation or delivery,
19 shall carry a copy of the license in the vehicle so operated, and shall carry such evidence as the
20 commission by rule may prescribe showing the origin and destination of the beverages and wines
21 being transported or delivered. Upon demand of any law enforcement officer, investigator, or
22 employee of the commission, the person operating such vehicle shall produce for inspection a copy of
23 the license and the evidence required by this section. Failure to produce such license or evidence
24 shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided,
25 beverages and wines may be transported within the state only by a railroad or steamboat
26 corporation or by a person regularly and lawfully conducting a general express or trucking business,
27 and in each case holding a valid carrier's license issued by the commission. Nothing in this section
28 shall prohibit individual retail licensees from arranging for the delivery of wine products to a
29 location central for the parties involved.

30 2 Transportation of Beverages and Wine; Effective July 1, 2022. RSA 179:15 is repealed and
31 reenacted to read as follows:

32 179:15 Transportation of Beverages and Wine.

33 I. A person may transport or deliver beverages and wines in this state without a license,
34 provided such beverages and wines were obtained as authorized by this title and provided such
35 beverages and wines are for consumption only and not for resale purposes.

36 II. Licensees may transport and deliver to their place of business beverages and wines
37 purchased as authorized under this title, and, except on-premises licensees, may transport and

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1 deliver anywhere in the state such beverages and wines ordered from and sold by them in vehicles
2 operated under the control of themselves or of their employees or agents, provided that the owner of
3 such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on
4 behalf of the licensee for whom they are transporting such beverages and wines.

5 III. Every person operating such a vehicle, when engaged in such transportation or delivery,
6 shall carry a copy of the license in the vehicle so operated, and shall carry such evidence as the
7 commission by rule may prescribe showing the origin and destination of the beverages and wines
8 being transported or delivered. Upon demand of any law enforcement officer, investigator, or
9 employee of the commission, the person operating such vehicle shall produce for inspection a copy of
10 the license and the evidence required by this section. Failure to produce such license or evidence
11 shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided,
12 beverages and wines may be transported within the state only by a railroad or steamboat
13 corporation or by a person regularly and lawfully conducting a general express or trucking business,
14 and in each case holding a valid carrier's license issued by the commission. Nothing in this section
15 shall prohibit individual retail licensees from arranging for the delivery of wine products to a
16 location central for the parties involved.

17 3 Effective Date.

18 I. Section 2 of this act shall take effect July 1, 2022.

19 II. The remainder of this act shall take effect 60 days after its passage.

AGENCIES CONTACTED:

Liquor Commission