

Bill as
Introduced

HB 171 - AS INTRODUCED

2021 SESSION

21-0118

08/11

HOUSE BILL **171**

AN ACT relative to food in cigar shops.

SPONSORS: Rep. Potucek, Rock. 6; Rep. Van Houten, Hills. 45; Rep. Belanger, Rock. 9

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill allows the service but not the sale of food in cigar shops holding an on-premises cigar, beverage, and liquor license.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 171 - AS INTRODUCED

21-0118
08/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to food in cigar shops.

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

- 1 1 On-Premises Cigar, Beverage, and Liquor License; Food Service Allowed. Amend RSA 178:20-
- 2 a, II(d) to read as follows:
- 3 (d) Does not allow cigarette smoking or [~~service~~] **sale** of food on the premises,
- 4 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 36
HB 171 - FINAL VERSION

2021 SESSION

21-0118
08/11

HOUSE BILL **171**

AN ACT relative to food in cigar shops.

SPONSORS: Rep. Potucek, Rock. 6; Rep. Van Houten, Hills. 45; Rep. Belanger, Rock. 9

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill allows the service but not the sale of food in cigar shops holding an on-premises cigar, beverage, and liquor license.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 36
HB 171 - FINAL VERSION

21-0118
08/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to food in cigar shops.

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

1 36:1 On-Premises Cigar, Beverage, and Liquor License; Food Service Allowed. Amend RSA
2 178:20-a, II(d) to read as follows:

3 (d) Does not allow cigarette smoking or [~~service~~] **sale** of food on the premises.

36:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 17, 2021
Effective Date: July 16, 2021

Committee Minutes

SENATE CALENDAR NOTICE

Commerce

Sen Harold French, Chair
Sen Bill Gannon, Vice Chair
Sen Jeb Bradley, Member
Sen Donna Soucy, Member
Sen Kevin Cavanaugh, Member

Date: April 8, 2021

HEARINGS

| Tuesday | 04/13/2021 | |
|-----------------------|--|-----------|
| (Day) | (Date) | |
| Commerce | REMOTE 000 | 9:00 a.m. |
| (Name of Committee) | (Place) | (Time) |
| 9:00 a.m. HB 171 | relative to food in cigar shops. | |
| 9:15 a.m. HB 272 | relative to the labeling and sale of hemp products containing CBD. | |
| 9:30 a.m. HB 261 | relative to apprenticeship programs in trade and industry. | |

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/98275043880>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-646-558-8656, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-9128
3. Or iPhone one-tap: 13017158592,,98275043880# or 13126266799,,98275043880#
4. Webinar ID: 982 7504 3880
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 171

Rep. Potucek

HB 272

Rep. Knirk

Rep. Van Houten

Sen. Sherman

HB 261

Rep. Seaworth

Rep. Van Houten

Rep. Weston

Rep. Woods

Rep. Belanger

Rep. Pearl

Rep. Bixby

Rep. Marsh

Sen. Rosenwald

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

HB 171, relative to food in cigar shops.

Hearing Date: April 13, 2021

Time Opened: 9:05 a.m.

Time Closed: 9:12 a.m.

Members of the Committee Present: Senators French, Gannon, Bradley, Soucy and Cavanaugh

Members of the Committee Absent : None

Bill Analysis: This bill allows the service but not the sale of food in cigar shops holding an on-premises cigar, beverage, and liquor license.

Sponsors:

Rep. Potucek

Rep. Van Houten

Rep. Belanger

Who supports the bill: Representative John Potucek, Curtis Barry (NH Cigar Association), Nicholas Thomas, Eric Pauer, Alexandra Mennella

Who opposes the bill: No one

Who is neutral on the bill: Aidan Moore (NH Liquor Commission)

Summary of testimony presented in support:

Representative John Potucek

- This bill unanimously passed the House Commerce Committee.
- This bill would allow cigar shops to serve snacks to their customers while they're smoking or drinking. The sale of food, however, would be prohibited.
- Representative Potucek said it's safer for a customer to have food in their stomach, especially if they're going to drive home.

Curtis Barry, on behalf of the New Hampshire Cigar Association

- In 2009, RSA 178:20-a, II(d) was enacted to prohibit cigar bars that serve liquor from turning into restaurants. However, the term "service" in the existing statute has been interpreted as prohibiting cigar bars from providing any food at all.

- As Representative Potucek stated, this bill would simply allow cigar bars to provide something to their customers while they're sitting at the bar.
- An identical bill, SB 478, passed the Senate last year; however, as a result of the COVID-19 pandemic, it was tabled.
- Mr. Barry said this bill would make a minor change that has received no opposition.
- **Senator Soucy** said she lived near a few establishments that have food trucks that drive up to try to accommodate the need for food at these places. **Senator Soucy** wondered if cigar bars would only be selling prepared food.
 - **Mr. Barry** said cigar bars wouldn't be selling food, instead they would only be offering free bar snacks. Under existing statute, the service of food is prohibited at these establishments; however, this bill would change it to prohibiting the sale of food instead. From his understanding, Mr. Barry said that this bill wouldn't prohibit a customer from bringing their own food into an establishment.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

AJ

Date Hearing Report completed: April 13, 2021

Speakers

Commerce Committee Testify List for Bill HB171 on 2021-04-13

Support: 5 Oppose: 0 Neutral: 1 Total to Testify: 3

| <u>Name</u> | <u>Email Address</u> | <u>Phone</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> |
|---------------------|-----------------------------|---------------------|------------------------|----------------------------|------------------------|--------------------------|
| Potucek, John | potucek1@comcast.net | | An Elected Official | Myself - the Sponsor | Support | Yes |
| Barry, Curtis | curtis@barrygr.com | 603 496 4564 | A Lobbyist | NH Cigar Association | Support | Yes |
| Thomas, Nicholas | nicholas.w.thomas@uconn.edu | Not Given | A Member of the Public | Myself | Support | No |
| Moore, Aidan | aidan.moore@liquor.nh.gov | 603-931-0222 | State Agency Staff | NH Liquor Commission | Neutral | Yes |
| Pauer, Eric | secretary@BrooklineGOP.org | 603.732.8489 | A Member of the Public | Myself | Support | No |
| Mennella, Alexandra | amennella1@protonmail.com | 646.610.9858 | A Member of the Public | Myself | Support | No |

Testimony

TITLE XIII

ALCOHOLIC BEVERAGES

CHAPTER 178

LIQUOR LICENSES AND FEES

Section 178:20-a

178:20-a On-Premises Cigar, Beverage, and Liquor Licenses. –

I. The commission may issue a license to a person who operates a cigar bar as defined in this section and who holds a tobacco retailers license under RSA 178:19-a in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license shall entitle the licensee to serve beverages containing at least 1/2 percent and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit by the glass or other suitable container and by the bottle with the cork or cap removed; specialty beer in any suitable container; liquor containing more than 6 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container; and wines, by the glass, by the bottle with the cork or cap removed; or other suitable container, under rules adopted by the commission.

II. In this section, "cigar bar" means a business that:

(a) Generates 60 percent or more of its quarterly gross revenue from the sale of cigar-related products, which is limited to cigars, humidors, cigar cutters, cigar cases, lighters, and ashtrays. Revenue from keno, mail order and Internet sales, as well as revenue generated from other tobacco sales in store, including cigarettes and loose tobacco sales, shall not be used to determine whether an establishment satisfies the definition of a cigar bar.

(b) Has a humidor on the premises.

(c) Does not allow any person under the age of 21 on the premises unless accompanied by a parent, legal guardian, or adult spouse.

(d) Does not allow cigarette smoking or service of food on the premises.

III. No beverage or liquor shall be consumed on the premises except that which is sold by the licensee.

IV. All applicants for employment at a cigar bar shall be presented with a written notice that states that working in a cigar bar has serious and permanent negative health effects, including, but not limited to, an increased risk of cancer and heart disease, and that no level of exposure to second-hand smoke is safe.

Source. 2009, 313:1. 2010, 310:4, eff. Sept. 11, 2010. 2018, 332:3, eff. June 25, 2018. 2019, 346:108, eff. Jan. 1, 2020. 2020, 37:118, eff. July 29, 2020.

Docket of SB478**Bill Title:** relative to food in cigar shops.*Official Docket of SB478.:*

| Date | Body | Description |
|-------------|-------------|---|
| 1/8/2020 | S | To Be Introduced 01/08/2020 and Referred to Commerce; SJ 1 |
| 1/16/2020 | S | Hearing: 01/22/2020, Room 100, SH, 01:45 pm; SC 3 |
| 1/23/2020 | S | Committee Report: Ought to Pass with Amendment #2020-0189s , 01/30/2020; Vote 5-0; CC; SC 4 |
| 1/30/2020 | S | Committee Amendment #2020-0189s , AA, VV; 01/30/2020; SJ 2 |
| 1/30/2020 | S | Ought to Pass with Amendment 2020-0189s, MA, VV; OT3rdg; 01/30/2020; SJ 2 |
| 2/3/2020 | H | Introduced 01/09/2020 and referred to Commerce and Consumer Affairs HJ 2 P. 59 |
| 2/27/2020 | H | Public Hearing: 03/05/2020 10:30 am LOB 302 |
| 3/10/2020 | H | Subcommittee Work Session: 03/17/2020 09:30 am LOB 302 |
| 3/10/2020 | H | Executive Session: 03/17/2020 02:00 pm LOB 302 |
| 6/30/2020 | H | Vacated and Laid on Table MA VV 06/30/2020 HJ 10 P. 2 |
| 9/23/2020 | H | Died on Table |

NH House

NH Senate

SB 478 - AS AMENDED BY THE SENATE

01/30/2020 0189s

2020 SESSION

20-3031
08/10

SENATE BILL **478**

AN ACT relative to food in cigar shops.

SPONSORS: Sen. French, Dist 7; Sen. Morgan, Dist 23; Sen. Carson, Dist 14; Sen. Levesque, Dist 12; Sen. Bradley, Dist 3; Rep. Pearl, Merr. 26

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill allows the service but not the sale of food in cigar shops holding an on-premises cigar, beverage, and liquor license.

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.

SB 478 - AS AMENDED BY THE SENATE

01/30/2020 0189s

20-3031
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to food in cigar shops.

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

- 1 1 On-Premises Cigar, Beverage, and Liquor License; Food Service Allowed. Amend RSA 178:20-
- 2 a, II(d) to read as follows:
- 3 (d) Does not allow cigarette smoking or [service] **sale** of food on the premises.
- 4 2 Effective Date. This act shall take effect 60 days after its passage.

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB 171

Hearing date: 4/13/21

Executive Session date: 4/13/21

Motion of: OTP Vote: 5-0

| Committee Member | Made by | Second | Yes | No |
|----------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. French, Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gannon, V-Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Bradley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Cavanaugh | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Soucy | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Motion of: CONSENT Vote: 5-0

| Committee Member | Made by | Second | Yes | No |
|----------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Sen. French, Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gannon, V-Chair | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Bradley | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Cavanaugh | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sen. Soucy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Motion of: _____ Vote: _____

| Committee Member | Made by | Second | Yes | No |
|----------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Sen. French, Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Gannon, V-Chair | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Bradley | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Cavanaugh | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Soucy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Reported out by: Sen. Gannon

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, April 13, 2021

THE COMMITTEE ON Commerce

to which was referred **HB 171**

AN ACT relative to food in cigar shops.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Bill Gannon
For the Committee

This bill unanimously passed in the House on the consent calendar. An identical bill, SB 478, passed in the Senate last session. This bill would allow cigar shops to serve, not sell, food to patrons while they are smoking or drinking an alcoholic beverage. This bill wouldn't prohibit a patron from bringing their own food to a cigar shop. Finally, the Committee heard that it was safer for patrons to consume a little amount of food rather than drive home on an empty stomach.

Aaron Jones 271-4063

FOR THE CONSENT CALENDAR

COMMERCE

HB 171, relative to food in cigar shops.

Ought to Pass, Vote 5-0.

Senator Bill Gannon for the committee.

This bill unanimously passed in the House on the consent calendar. An identical bill, SB 478, passed in the Senate last session. This bill would allow cigar shops to serve, not sell, food to patrons while they are smoking or drinking an alcoholic beverage. This bill wouldn't prohibit a patron from bringing their own food to a cigar shop. Finally, the Committee heard that it was safer for patrons to consume a little amount of food rather than drive home on an empty stomach.

Docket of HB171

Docket Abbreviations

Bill Title: relative to food in cigar shops.*Official Docket of HB171.:*

| Date | Body | Description |
|-------------|-------------|--|
| 1/4/2021 | H | Introduced (in recess of) 01/06/2021 and referred to Commerce and Consumer Affairs HJ 2 P. 37 |
| 2/2/2021 | H | Public Hearing: 02/09/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94408830780 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened. |
| 3/2/2021 | H | Executive Session: 03/02/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95215897452 |
| 3/3/2021 | H | Executive Session: 03/03/2021 01:30 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/98917516497 (if necessary) |
| 3/9/2021 | H | Committee Report: Ought to Pass (Vote 19-0; CC) HC 18 P. 3 |
| 4/7/2021 | H | Ought to Pass: MA VV 04/07/2021 HJ 5 P. 4 |
| 4/7/2021 | H | Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50 |
| 4/7/2021 | S | Introduced 04/01/2021 and Referred to Commerce; SJ 11 |
| 4/8/2021 | S | Remote Hearing: 04/13/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 19 |
| 4/13/2021 | S | Committee Report: Ought to Pass, 04/22/2021; Vote 5-0; CC; SC 20 |
| 4/22/2021 | S | Ought to Pass: RC 23Y-1N, MA; OT3rdg; 04/22/2021; SJ 12 |
| 5/6/2021 | S | Enrolled RC 23Y-0N, MA , (In recess of 05/06/2021); SJ 15 |
| 5/6/2021 | H | Enrolled (in recess of) 04/09/2021 HJ 7 P. 102 |
| 5/19/2021 | H | Signed by Governor Sununu 05/17/2021; Chapter 36; Eff: 07/16/2021 |

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 171

Senate Committee: Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Aaron Jones
Committee Aide

7/21/21
Date

Senate Clerk's Office [Signature]