

Bill as Introduced

HB 183 - AS AMENDED BY THE HOUSE

9Apr2021... 0092h

2021 SESSION

21-0029

06/11

HOUSE BILL **183**

AN ACT prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

SPONSORS: Rep. True, Rock. 4; Rep. Abramson, Rock. 37; Rep. Greene, Hills. 37; Rep. Piemonte, Rock. 4; Rep. Torosian, Rock. 14

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill prohibits a city, town, or village district from licensing or regulating a soft drink stand operated by a person under the age of 18.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

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

1 1 Hawkers, Peddlers, and Vendors; Exception. Amend the introductory paragraph of RSA
2 31:102-a to read as follows:

3 The governing board of a city, town or village district may adopt, by ordinance or regulation,
4 provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers,
5 merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or
6 transient sales locations within a town or who go from town to town or place to place within a town
7 for such purposes. Any person who violates any provision of such ordinance or regulation shall be
8 guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a
9 separate offense. A city, town, or village district shall be specifically prohibited, however, from
10 licensing or regulating a candidate for public office in the process of obtaining signatures on
11 nomination papers, who seeks to have the candidate's name placed on the ballot for the state general
12 election by submitting nomination papers under RSA 655:40. ***A city, town, or village district***
13 ***shall also be specifically prohibited from licensing or regulating a soft drink stand***
14 ***operated by a person under the age of 18.*** Provisions adopted under this section shall be in
15 addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may
16 include, but shall not be limited to:

17 2 Effective Date. This act shall take effect 60 days after its passage.

HB 183 - AS AMENDED BY THE SENATE

9Apr2021... 0092h
05/06/2021 1311s

2021 SESSION

21-0029
06/11

HOUSE BILL **183**

AN ACT exempting persons under the age of 14, who are selling soft drinks on family owned or leased property, from city, town, or village district licensing requirements.

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COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill exempts persons under the age of 14, who are selling soft drinks on family owned or leased property, from city, town, or village district licensing requirements.

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8 guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a
9 separate offense. A city, town, or village district shall be specifically prohibited, however, from
10 licensing or regulating a candidate for public office in the process of obtaining signatures on
11 nomination papers, who seeks to have the candidate's name placed on the ballot for the state general
12 election by submitting nomination papers under RSA 655:40. ***Persons who are under the age of***
13 ***14 who are selling soft drinks on family owned or leased property shall be exempt from city,***
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CHAPTER 166
HB 183 - FINAL VERSION

9Apr2021... 0092h
05/06/2021 1311s

2021 SESSION

21-0029
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CHAPTER 166
HB 183 - FINAL VERSION

9Apr2021... 0092h
05/06/2021 1311s

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In the Year of Our Lord Two Thousand Twenty One

AN ACT exempting persons under the age of 14, who are selling soft drinks on family owned or leased property, from city, town, or village district licensing requirements.

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16 include, but shall not be limited to:

166:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 30, 2021
Effective Date: September 28, 2021

Amendments

Amendment to HB 183

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT exempting persons under the age of 14, who are selling soft drinks on family owned
4 or leased property, from city, town, or village district licensing requirements.
5

6 Amend the bill by replacing section 1 with the following:

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8 1 Hawkers, Peddlers, and Vendors; Exception. Amend the introductory paragraph of RSA
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22 in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may
23 include, but shall not be limited to:

2021-1184s

AMENDED ANALYSIS

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FINAL APPROVED

Sen. Gray, Dist 6
May 4, 2021
2021-1311s
06/11

Floor Amendment to HB 183

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2

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Floor Amendment to HB 183
- Page 2 -

2021-1311s

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Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 14, 2021

HEARINGS

Monday

04/19/2021

Election Law and Municipal Affairs

REMOTE

9:00 a.m.

9:00 a.m.	HB 223	relative to political party access to a list of absentee ballot requests.
9:10 a.m.	HB 285	relative to verification of voter checklists.
9:20 a.m.	HB 484	relative to budget committee recommendations on warrant articles.
9:45 a.m.	HB 183	prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.
10:00 a.m.	HB 243	relative to the form of municipal budgets, relative to municipal estimates of expenditures and revenues, and relative to the requirement that certain governing bodies submit recommendations to the budget committee.

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/97306628779>
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 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 16465588656, 97306628779# or 13017158592, 97306628779#
4. Webinar ID: 973 0662 8779
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-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 223

Rep. Sweeney

Rep. Alexander Jr.

HB 285

Rep. Layon

Rep. Potucek

Rep. Prudhomme-O'Brien
Sen. Birdsell

Rep. Thomas

Rep. Love

HB 484

Rep. Pauer

Rep. Silber

Rep. Yakubovich

Rep. Notter

HB 183

Rep. True

Rep. Torosian

Rep. Abramson

Rep. Greene

Rep. Piemonte

HB 243

Rep. Piemonte

Rep. Edwards

Rep. Verville

Rep. Yakubovich

Rep. True

Sen. Gannon

Rep. Weyler

Rep. Torosian

Rep. Osborne

Rep. Sylvia

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 183, prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

Hearing Date: April 19, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill prohibits a city, town, or village district from licensing or regulating a soft drink stand operated by a person under the age of 18.

Sponsors:

Rep. True
Rep. Piemonte

Rep. Abramson
Rep. Torosian

Rep. Greene

Who supports the bill: Representative Chris True, Representative Tony Piemonte, Representative Erica Layon, Eric Pauer, Shannon Bouchard, Albert Todd

Who opposes the bill: Representative Dargie, Representative Jan Schmidt, Representative Marjorie Porter, Representative Timothy Horrigan, Representative Dru Fox, Representative Chuck Grassie, Representative Megan Murray, Representative Susan Almay, Stephanie Osborne, Valerie Scarborough, Richard Hunnewell, Anne Hunnewell, Mary Eisner, Nancy Vaughan, Cordell Johnston

Summary of testimony presented in support:

Representative Chris True

- In New Hampshire towns are only to act within the authority given to them by the state.
- Passage of this legislation will clarify that, before a town acts to license a child's drink stand, they do not have that authority.
- He could not find any compelling interest for a town to regulate and license a soft drink stand that a child has set up on his/her front lawn.
- The bill makes a very important statement that there are areas in our lives that are not the concern of government.
- He believes this is a very positive bill.
- Senator Gray asked if the bill allows a person under 18 could set up a drink stand anywhere in the town and not just their front lawn.
 - Representative True replied that the city would certainly have a compelling interest if the drink stand was set up at a dangerous intersection. He believes parents will not send their kids to another area of the city to set up a drink stand.

- Senator Gray asked if he would object to the drink stand only on private property with permission of the owner.
 - Representative True stated he would have no objection at all.

Summary of testimony presented in opposition:

Representative Timothy Horrigan

- He believes this is a solution in search of a problem.
- The only documented case he saw was a girl in London, England who was fined for operating a lemonade stand.
- It is problematic that an 18 year old can sell soft drinks without regulation.
- He believes this was started through a publicity
- No family in NH has ever been in trouble for operating a lemonade stand
- Senator Birdsell asked if he was aware that in May of 2019, in New York, police shut down a 12 year olds lemonade stand and in Massachusetts a child's green tea stand was shut down.
 - Representative Horrigan replied that those are not in NH and there is a bigger problem of police overreacting to minor issues.
- Senator Birdsell commented that he stated there was only one in London and she wanted him to be aware that it has happened in the US.

Nancy Vaughan – American Heart Association

- The American Heart Association opposes state government removing local government authority to make decisions on issues impacting their community.
- Local governments are uniquely positioned to meet the needs of the people in their communities.
- They know how to solve local problems because they see them up close
- Residents work together to come up with a solution and put it into practice.
- States should provide basic protections so everyone is treated fairly.
- Local decision making allows municipalities to act on issues directly and more expediently than would be possible if they had to go to the state.

Cordell Johnston – NH Municipal Association

- This has never come up in NH and it probably never will.
- Their concern is the state telling towns not to do something that they were not going to do anyway.
- It is almost insulting to tell local governments don't do stupid things.
- Municipalities in New Hampshire are not going to try and regulate kids lemonade stands.
- The only time it would happen is if kids are doing something that is unsafe and the police should be able to come along and ask them to move.
- If they believe the bill is necessary he would suggest at least putting in language that states municipalities can take action that is necessary in the interest of public safety or the safety of the children themselves.

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB183 on 2021

Support: 6 Oppose: 15 Neutral: 0 Total to Testify: 4

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Johnston, Cordell	cjohnston@nhmunicipal.org	603-748-4019	A Lobbyist	NH Municipal Association	Oppose	Yes
Bouchard, Shannon	Not Given	Not Given	A Member of the Public	Myself	Support	Yes
true, chris	chris.true@leg.state.nh.us	16037708403	An Elected Official	Myself	Support	Yes
Vaughan, Nancy	nancy.vaughan@heart.org	Not Given	A Lobbyist	American Heart Association	Oppose	Yes
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No
Dargie, Paul	pauldargie@gmail.com	603.233.5888	An Elected Official	Myself	Oppose	No
Scarborough, Valerie	val7@roadrunner.com	603.536.1164	A Member of the Public	Myself	Oppose	No
Porter, Marjorie	maporter995@gmail.com	603.464.0225	An Elected Official	Hillsborough District 1	Oppose	No
Schmidt, Jan	tesha4@gmail.com	603.880.6060	An Elected Official	Myself	Oppose	No
Osborne, Stephanie	Not Given	(603)238-314	A Member of the Public	Myself	Oppose	No
Horrigan, Timothy	timothy.horrigan@leg.state.nh.us	603.969.3823	An Elected Official	Strafford 6	Oppose	No
Todd, Albert	Albert.todd84@gmail.com	603-400-0834	A Member of the Public	Myself	Support	No
Piemonte, Tony	tony.piemonte@leg.state.nh.us	603.391.4676	An Elected Official	Myself	Support	No
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Support	No
Fox, Dru	Dru.Fox@keg.state.nh.us	603.352.2332	An Elected Official	Myself	Oppose	No
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Oppose	No
Murray, Megan	Not Given	Not Given	An Elected Official	Hillsborough 22	Oppose	No
Eisner, Mary	nhdem@msn.com	16034323192	A Member of the Public	Myself	Oppose	No
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Oppose	No
Hunnewell, Richard	hunnewell.richard@gmail.com	603.536.4015	A Member of the Public	Myself	Oppose	No
Hunnewell, Anne	ahunne@roadrunner.com	603.536.4015	A Member of the Public	Myself	Oppose	No

Testimony



American Heart Association
2 Wall Street | Manchester, NH 03101

April 19, 2021

Re: HB 183, prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

Dear Chairman Gray and members of the Senate Election Law and Municipal Affairs Committee.

As Government Relations Director for the American Heart Association, I am providing testimony in opposition to passage of HB 183. **The American Heart Association opposes state government removing local government authority to make decisions on issues impacting their community. When states block local governments from passing laws that make sense to the community, it can hurt people the most where the need is greatest.**

Local governments are uniquely positioned to meet the needs of the people in their communities. They are more connected to residents and more accountable to them. Most people believe that government plays a role in creating healthier communities, and they trust local government the most to pass laws proven to promote good health and safety. Residents and local leaders want what is best for their communities – they know how to solve local problems because they see them up close. When local communities come up with a solution for their challenges and residents work together to put it into practice, the state government should support innovation – not strike it down.

States should provide the foundation to build on – basic protections so everyone is treated fairly. Local governments should have the ability to strengthen those protections based on what they know about their communities. Should a community find a situation arise, without local decision-making authority, municipalities would need to appeal to the legislature to act on issues that could be remedied directly and more expediently locally. **I urge you to vote Inexpedient to Legislate on HB 183, and protect NH's tradition of local control.**

I thank you for your time and consideration of the importance of protecting local decision-making.

Sincerely,

Nancy Vaughan
Director of Government Relations, New Hampshire
American Heart Association
Nancy.vaughan@heart.org; 603-566-5658

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill HB 183

Hearing date: 4-19-2021

Executive Session date: 4/26/21

Motion of: OTP Vote: 2-3

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: OTP → 1184s Vote: 2-3

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: ITL Vote: 4-1

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Soucy

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Monday, April 26, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 183**

AN ACT

prohibiting municipalities from requiring a license
for a soft drink stand operated by a person under
the age of 18.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-1

Senator Donna Soucy
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB183

Docket Abbreviations

Bill Title: (Second New Title) exempting persons under the age of 14, who are selling soft drinks on family owned or leased property, from city, town, or village district licensing requirements.

Official Docket of HB183.:

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Municipal and County Government HJ 2 P. 38
1/27/2021	H	Public Hearing: 02/08/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/96815613466 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/2/2021	H	Executive Session: 02/09/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93215390740
2/25/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-0092h (Vote 10-9; RC) HC 18 P. 56
2/25/2021	H	Minority Committee Report: Inexpedient to Legislate
4/9/2021	H	Amendment #2021-0092 : AA VV 04/09/2021 HJ 7 P. 26
4/9/2021	H	Lay on Table (Rep. Mayville): MF DV 181-190 04/09/2021 HJ 7 P. 26
4/9/2021	H	Ought to Pass with Amendment 2021-0092h: MA RC 211-163 04/09/2021 HJ 7 P. 26
4/13/2021	S	Introduced 04/08/2021 and Referred to Election Law and Municipal Affairs; SJ 12
4/14/2021	S	Remote Hearing : 04/19/2021, 09:45 am; Links to join the hearing can be found in the Senate Calendar; SC 20
4/26/2021	S	Committee Report: Inexpedient to Legislate, 05/06/2021; SC 22
5/6/2021	S	Inexpedient to Legislate, RC 9Y-14N, MF ; 05/06/2021; SJ 14
5/6/2021	S	Sen. Soucy Moved Reconsideration on ITL, RC 23Y-0N, MA ; 05/06/2021; SJ 14
5/6/2021	S	Inexpedient to Legislate, RC 10Y-13N, MF ; 05/06/2021; SJ 14
5/6/2021	S	Sen. Gray Moved Ought to Pass; 05/06/2021; SJ 14
5/6/2021	S	Sen. Gray Floor Amendment #2021-1311s, RC 13Y-10N, AA ; 05/06/2021; SJ 14
5/6/2021	S	Ought to Pass with Amendment 2021-1311s, RC 13Y-10N, MA ; OT3rdg; 05/06/2021; SJ 14
6/10/2021	H	House Concurs with Senate Amendment 2021-1311s (Rep. Dolan): MA RC 352-6 06/10/2021 HJ 10 P. 13
7/15/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/15/2021	H	Enrolled (in recess of) 06/24/2021
8/3/2021	H	Signed by Governor Sununu 07/30/2021; Chapter 166; Eff: 09/28/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 183

Senate Committee: ELMA

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
- 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 # 11845 ___ - 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 # 13115 ___ - 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:

Committee Aide

Date

Senate Clerk's Office *[Signature]*