

LEGISLATIVE COMMITTEE MINUTES

SB66

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

SB 66-FN - AS INTRODUCED

- Page 3 -

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.

LBA
21-1025
1/11/21

**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
<i>Funding Source:</i>	<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 indeterminate.

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

AGENCIES CONTACTED:

Liquor Commission

SB 66-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2021-0458s)

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	\$0
Expenditures	\$0	Indeterminable	Indeterminable	\$0
<i>Funding Source:</i>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Liquor Fund			

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 until June 30, 2023.

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 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

AGENCIES CONTACTED:

Liquor Commission

SB 66-FN - VERSION ADOPTED BY BOTH BODIES

03/04/2021 0458s
3Jun2021... 1495h

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

AMENDED 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 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 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;*

29 (5) *Any individual engaged in the delivery of beverages and wines pursuant*

1 *to this section shall be an employee who regularly receives a W-2 from the on-premises*
2 *licensee and is at least 21 years of age; and*

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

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

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

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

29 *2 Effective Date. This act shall take effect upon its passage.*

SB 66-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2021-1495h)

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
<i>Funding Source:</i>	<input type="checkbox"/> General Liquor Fund	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

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 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 issued to businesses. The amount of additional revenue is also indeterminable.

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

AGENCIES CONTACTED:

Liquor Commission

CHAPTER 117
SB 66-FN - FINAL VERSION

03/04/2021 0458s
3Jun2021... 1495h

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. Avar, Dist 12; Sen. Prentiss, Dist 5

COMMITTEE: Commerce

AMENDED 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.

CHAPTER 117
SB 66-FN - FINAL VERSION

03/04/2021 0458s
3Jun2021... 1495h

21-1025
08/11

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:

1 117:1 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;*

29 (5) *Any individual engaged in the delivery of beverages and wines pursuant*

CHAPTER 117
SB 66-FN - FINAL VERSION
- Page 2 -

1 *to this section shall be an employee who regularly receives a W-2 from the on-premises*
2 *licensee and is at least 21 years of age; and*

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

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

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

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

29 *117:2 Effective Date. This act shall take effect upon its passage.*

Approved: July 09, 2021
Effective Date: July 09, 2021

Amendments

Amendment to SB 66-FN

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

2

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

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Transportation of Beverages and Wine. Amend RSA 179:15 to read as follows:

9 179:15 Transportation of Beverages, Wine, and Liquors.

10 I. A person may transport or deliver beverages, ~~and~~ wines, **and liquors** in this state
11 without a license, provided such beverages, ~~and~~ wines, **and liquors** were obtained as authorized
12 by this title and provided such beverages, ~~and~~ wines, **and liquors** are for consumption only and
13 not for resale purposes.

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

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

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

28 (1) *All deliveries of beverages, wines, and liquors shall be accompanied by*
29 *food prepared by the restaurant delivery licensee and ordered by the consumer;*

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

1 (3) *All deliveries of beverages, wine, and liquors shall be solely for the*
2 *personal consumption of the consumer and not for resale;*

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

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

10 (6) *During deliveries conducted under this section, the person engaged in*
11 *making the delivery shall acquire a signed receipt from the consumer. Consumers who*
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13 *intoxicated, who do not produce identification verifying the consumer's age, or who fail to*
14 *sign a receipt shall not be entitled to his or her delivery of beverages, wine, and liquors .*

15 (c) *No holder of a restaurant delivery license or on-premises license shall*
16 *deliver any alcoholic beverage to any college, university, or school, whether public or*
17 *private, located within the state. No holder of a restaurant delivery license or on-premises*
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19 *public park.*

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

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

36 2 Transportation of Beverages and Wine; Effective July 1, 2022. RSA 179:15 is repealed and
37 reenacted to read as follows:

Amendment to SB 66-FN

- Page 3 -

1 179:15 Transportation of Beverages and Wine.

2 I. A person may transport or deliver beverages and wines in this state without a license,
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5 II. Licensees may transport and deliver to their place of business beverages and wines
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8 operated under the control of themselves or of their employees or agents, provided that the owner of
9 such vehicles shall carry a copy of the license issued by the commission in the vehicle driven on
10 behalf of the licensee for whom they are transporting such beverages and wines.

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

23 3 Effective Date.

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

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

2021-0357s

AMENDED ANALYSIS

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

UNAPPROVED

Amendment to SB 66-FN

1 Amend the bill by replacing all after section 1 with the following:

2

3 2 Transportation of Beverages and Wine; Effective June 30, 2023. RSA 179:15 is repealed and
4 reenacted to read as follows:

5 179:15 Transportation of Beverages and Wine.

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

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

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

27 3 Effective Date.

28 I. Section 2 of this act shall take effect June 30, 2023.

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

Amendment to SB 66-FN
- Page 2 -

2021-0458s

AMENDED 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.

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: February 10, 2021

HEARINGS

Tuesday

02/16/2021

(Day)

(Date)

Commerce

REMOTE 000

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.	SB 66-FN	allowing on-premises licensees to transport beverages and wines for delivery to consumers.
9:15 a.m.	SB 125-FN	relative to beverage manufacturer licenses.
9:30 a.m.	SB 124-FN	adopting omnibus legislation relative to insurance.

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/91421694755>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-312-626-6799, or 1-646-558-8656, or 1-301-715-8592, or 1-346-248-7799, or 1-669-900-9128, or 1-253-215-8782
3. Or iPhone one-tap: 13126266799,,91421694755# or 16465588656,,91421694755#
4. Webinar ID: [914 2169 4755](https://www.zoom.us/j/91421694755)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCiBZdtriRnQdmg-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:

SB 66-FN

Sen. French
Sen. Rosenwald

Sen. Carson
Sen. Avard

Sen. Cavanaugh
Sen. Prentiss

Sen. Giuda

SB 125-FN

Sen. Gannon
Sen. Bradley

Sen. Perkins Kwoka
Rep. Welch

Sen. Carson
Rep. Weyler

Sen. Rosenwald

SB 124-FN

Sen. Cavanaugh

Aaron Jones 271-4063

Harold F. French
Chairman

Senate Commerce Committee

Aaron Jones 271-4063

SB 66-FN, allowing on-premises licensees to transport beverages and wines for delivery to consumers.

Hearing Date: February 16, 2021

Time Opened: 9:04 a.m.

Time Closed: 9:31 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 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.

Sponsors:

Sen. French

Sen. Carson

Sen. Cavanaugh

Sen. Giuda

Sen. Rosenwald

Sen. Avard

Sen. Prentiss

Who supports the bill: Senator Harold French, Senator Cindy Rosenwald, Senator Kevin Cavanaugh, Senator Sharon Carson, Senator Bob Giuda, Jamie Burnett (Wine Institute), Mike Somers (NH Lodging & Restaurant Association), Aidan Moore (NH Liquor Commission), Andy Day (Cask & Vine), Jeff Cozzens (Schilling Beer Co. & NH Brewers Association), Jim Alden (Chutters Candy Store & Littleton Main Street)

Who opposes the bill: Brian Moran (NECSEMA), Kate Frey (New Futures), Louise Brassard, Amy Daniels, Alexandra Mennella

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Harold French

- A similar bill was introduced last year; however, it died on the table.
- This bill would allow restaurants to deliver alcoholic beverages directly to consumers.
- To participate, a restaurant would need to purchase a new type of license and adhere to a set of protocols.

Aidan Moore, Legal Coordinator, New Hampshire Liquor Commission

- Last week, an amendment was introduced on House Bill 176, which mirrored the language of this bill.
- Governor Sununu used Senator French's bill from last session, SB 512, as the template for his emergency order that allowed restaurants to deliver alcoholic beverages and wines to consumers.
- According to Chief Mark Armaganian, there have been no problems enforcing this policy throughout the pandemic.
- Under this bill, a restaurant would need to file an application for a license to deliver and they would have to pay \$250 annually. Through this process, the Liquor Commission would be able to collect and track how many businesses are participating.
- **Senator French** asked if Attorney Moore had heard about the forthcoming amendment from Senator Cavanaugh, which would allow restaurants to deliver cocktails as well.
 - **Attorney Moore** said the Liquor Commission would like to review the amendment to determine if they would like to continue to support SB 66-FN.

Jamie Burnett, Wine Institute

- This bill would provide timely and essential relief to restaurants, while also being beneficial for consumers.
- In 2020, as a result of the pandemic, wineries experienced a revenue decline of about a billion dollars.
- Many states have adopted or are considering the adoption of similar legislation.
 - Three states – Ohio, Oklahoma, and Iowa – and the District of Columbia have permanently allowed cocktails to be delivered to consumers.
 - Some states, such as Maine, Rhode Island, and Connecticut, have pending legislation that's similar to this bill.
 - Other states have granted the delivery of alcohol to consumers on a temporary basis, specifically Massachusetts, California, New York, Louisiana, Nebraska, Nevada, and Texas.

Mike Somers, President, New Hampshire Lodging & Restaurant Association

- In 2019, the NHLRA worked collaboratively with the Liquor Commission, various stakeholders, and Senator French to introduce SB 512.
- The direct delivery of beverages and wines to consumers doesn't affect a large portion of the industry, but this bill would allow businesses to continue to use the existing system if they chose to.
- Mr. Somers said it's unclear whether people will return to dining at the same rates that they were prior to the pandemic. He believed that the industry would permanently experience higher rates of takeout and delivery even after the pandemic is over.

- Ultimately, this bill is an important component to help the industry survive and recover after the pandemic.

Senator Kevin Cavanaugh

- Senator Cavanaugh introduced Amendment 21-0357s, which would allow liquor beverages to be delivered as well.
- This amendment came at the request of a business that worried that an increase in COVID-19 cases during the winter might lead to them closing permanently.

Andy Day, Owner, Cask & Vine

- Mr. Day said that Governor Sununu's emergency order has had a tremendous effect on his business.
- Restaurants pay more for wine through the Liquor Commission than off-premises licensees do, such as convenience stores or grocery stores.
- This bill would allow restaurants to earn additional revenue, while also providing consumers with more options. A consumer may pay 20 to 30 percent more for a bottle of wine through a restaurant, but it could be more convenient for them to order their food and alcohol together.

Jeff Cozzens, CEO and Co-Founder, Shilling Beer Co. & President of the New Hampshire Brewers Association

- Mr. Cozzens agreed with Mr. Day that consumer choice is important, and that this bill would provide restaurants with another way to generate revenue.

Jim Alden, Owner, Chutters Candy Store & President of Littleton Main Street

- Breweries, distilleries, and wineries throughout New Hampshire are encumbered by existing laws.
- This bill would help make New Hampshire a more attractive destination for tourism, which is the second largest industry in the state. Additionally, it would make New Hampshire more competitive and help the state achieve parity with its neighbors.
- Mr. Alden concluded that his business isn't competing with other in-state businesses rather they're competing against businesses in neighboring states.

Summary of testimony presented in opposition:

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

- Mr. Moran appreciated the efforts made by the Commerce Committee, the Legislature, and Governor Sununu to help address the economic impacts the pandemic has had on all retailers, especially those in the hospitality and restaurant industry.

- This bill would unnecessarily expand existing licensing categories at a time when 1,500 retail outlets throughout the state already offer alcoholic beverages and wines to consumers.
- Further, this bill would give restaurants an advantage over off-premises licensees that rely on beer and wine sales.
- Mr. Moran said they didn't oppose the emergency orders, and if the pandemic persisted, then those orders would remain in place to continue to provide temporary relief to restaurants.
- After the emergency orders are rescinded, there should be an evaluation done to determine which measures worked.
- If this emergency order were approved of by the Committee, then the bill should be amended to reduce the serving amount allowed for delivery.
 - Currently, the bill would allow for the delivery of sixteen 12oz beverages and 2 bottles of wine.
 - Mr. Moran proposed that servings should replicate the dine-in experience, which would be 2 beverages and one wine per entrée with a maximum of 6 beverages and 2 bottles of wine allowed per transaction.
- Mr. Moran reiterated that this bill lacked necessity, it disadvantaged existing off-premises license holders, its utility and benefit were unknown, and the volume of alcohol allowed would be inconsistent with the dine-in experience.
- **Senator French** asked if it were correct that convenience stores and grocery stores already have the ability to deliver alcohol directly to consumers.
 - **Mr. Moran** said that was correct.
- **Senator French** asked if it were correct that they could deliver an unlimited amount, such as 50 cases.
 - **Mr. Moran** responded that was correct.
- **Senator French** asked if it were true that the price of beverages in a convenience store would be less than a restaurant and that no room and meals tax would be collected on them.
 - **Mr. Moran** said that was correct.
- **Senator French** asked if it would be cheaper for a consumer to buy from a convenience store and have it delivered.
 - **Mr. Moran** said that was true.

Kate Frey, Vice President of Advocacy, New Futures

- Ms. Frey said they didn't oppose the emergency order; however, they believed it should be re-evaluated.
- There are health effects associated with increased alcohol accessibility, which aren't being addressed despite an increase in alcohol sales and an increase in state revenue.
- Ms. Frey wondered if the Liquor Commission had collected data on how many restaurants are taking advantage of this emergency order and the impact it's having.

- In terms of Senator Cavanaugh's amendment, Ms. Frey stated she hadn't gotten the opportunity to read it. However, New Futures is opposed to the delivery of cocktails because they have a higher percent of alcohol in them and there are concerns over how they're packaged.
- Ms. Frey concluded that this bill is unnecessary because Governor Sununu's emergency order remains in place.

Neutral Information Presented: None

AJ

Date Hearing Report completed: February 19, 2021

Speakers

Commerce Committee Testify List for Bill SB66 on 2021-02-16

Support: 8 Oppose: 5 Neutral: 0 Total to Testify: 7

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Moran, Brian	New England Convenience Store and Energy Marketers Association	Oppose	Yes
French, Senator Harold	Senate District 7	Support	Yes
Burnett, Jamie	Wine Institute	Support	Yes
Somers, Mike	NH Lodging & Restaurant Association	Support	Yes
Frey, Kate	Myself	Oppose	Yes
Moore, Aidan	NH Liquor Commission	Support	Yes
Corlis, Deana	Myself	Support	Yes
Carson, Sharon	Senate District 14	Support	No
Giuda, Bob	NH Senate District 2	Support	No
Rosenwald, Cindy	SD 13	Support	No
Brassard, Louise	Myself	Oppose	No
Daniels, Amy	Myself	Oppose	No
Mennella, Alexandra	Myself	Oppose	No

Testimony



February 16, 2021

Honorable Harold French, Chair
Senate Committee on Commerce

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

Senator French:

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 on 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



New England Convenience Store & Energy Marketers Association

February 16, 2021

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

New Hampshire General Court
Commerce and Consumer Affairs Committee

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

Chairman French, Vice Chair Gannon, 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 well-intentioned motivations in this legislation to alter the marketplace and address the economic impacts the pandemic has leveled on all retailers, and especially the restaurant and hospitality industry. As proposed SB 66 would allow 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.

NECSEMA opposes SB 66. Most importantly this amendment lacks necessity as there are well over 1,500 retail outlets, owned by private businesses and the state, where beverages and wine are readily available to consumers. We see no need to permanently expand the current licensing categories where these products are sold for off-premises consumption.

Allowing restaurants to sell beverages and wine for off-premises consumption after the State of Emergency ends gives restaurants an ongoing advantage to off-premises permit holders which depend on beer and wine sales for a significant percentage of their revenue. Prior to the pandemic there was no necessity for these measures; so why should there be one afterward once the State of Emergency and Executive Orders are lifted?

NECSEMA did not oppose Governor Sununu's Executive Orders that provided temporary flexibility and offered potential economic relief for on-premises permittees. However, to make these temporary provisions permanent is unwarranted given statewide vaccinations are expected to be largely completed this summer and fall. Whereupon one can reasonably expect a remarkable and widespread return to in person socialization and patronization of restaurants and other on-premises permittees. If the emergency declarations are not lifted, then the Executive Orders will remain in place allowing uninterrupted relief. No gap in this temporary relief will occur, therefore there is no urgency or pressing need for the Committee to act.

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

NECSEMA suggests the Committee consider the following approach:

- Continue to rely on the existing Executive Orders, as there is no urgency to act.
- After the Executive Orders are rescinded; require justification from on-premises permittees for continuation of any measures temporarily authorized in the Executive Orders.
- Such an evaluation should quantify what measures worked and what did not.
- This evaluation is important given how post-pandemic retail will continue to evolve.
- If justification is presented and deemed justified by the Committee, we would also urge a decrease in the proposed volumes of alcohol. As proposed almost 30 servings of alcohol are allowed encompassing 16 12-ounce beverages totaling 192 ounces, and two bottles of wine containing 12 2/3rds servings of alcohol. A more reasonable approach to reflect replicating the "dine-in" experience "to-go" would include a 2-beverage per entrée maximum, and one bottle of wine for every two entrées. Along, with a maximum of 6 beverages and two bottles of wine per transaction.

SB 66 lacks necessity, disadvantages current off-premises permit holders, its utility or benefit is unknown, unintentionally picks winners in an evolving retail landscape, the volumes of alcohol are inconsistent with the dine-in experience, and there is no urgency to act.

Thank you for your thoughtful consideration of our position, and we sincerely hope the Committee votes that this amendment "ought not to pass".

Respectfully,



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

February 16, 2021

The Honorable Senator Harold French, Chair
Senate Commerce Committee
State House, Room 103
Concord, NH 03301

Re: New Futures Opposition to SB 66, allowing on-premises licensees to transport beverages and wines for delivery to consumers.

Dear Senator French and Honorable Members of the Committee;

New Futures is a nonpartisan, nonprofit organization that advocates, educates, and collaborates to improve the health and wellness of all New Hampshire residents through policy change. In this role, we work extensively with policy makers, stakeholders, and prevention partners to prevent and reduce alcohol and other drug problems in our state. **New Futures opposes SB 66, because it is irresponsible legislation that will increase the accessibility and availability of alcohol through the delivery of beer and wine to go.**

Last spring Governor Sununu issued Executive Order 6 which temporarily allows for takeout or delivery of limited amounts of beer and wine. SB 66 permanently codifies this order. This policy change would be a monumental shift in New Hampshire's current regulatory system. Policies such as this one is in place to protect public health and safety.¹ For these reasons New Futures, opposes policies, that further erode government controls regulating the retail sale of alcohol, and the loosening of the three-tier alcohol control system.

The harms and costs of alcohol abuse are astounding and are often lost in the shadows of the opioid epidemic. Excessive alcohol use continues to be a major driver of mortality in the United States, contributing to approximately 88,000 deaths annually, including one in every 10 deaths among adults 20 to 64 years of age.² During the COVID-19 pandemic, alcohol consumption has increased among certain subgroups within the population – especially among women, African Americans, and people with children – and patterns of alcohol sales have shifted from on-premise sales to off-premises sales.³⁴

¹ APHA, Addressing Alcohol-Related Harms: A Population Level Response, Nov. 5th 2019
<https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2020/01/14/addressing-alcohol-related-harms-a-population-level-response>

² Stahre M, Roeber J, Kanny D, Brewer RD, Zhang X. Contribution of excessive alcohol consumption to deaths and years of potential life lost in the United States. *Prev Chronic Dis.* 2014;11:E109.

³<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2770975>

⁴ Durbin, D. (2020, Aug. 24). Number of states allowing to-go cocktails has surged from 2 to 33 during coronavirus. *Fortune*. Retrieved from <https://fortune.com/2020/08/24/states-allowing-to-go-cocktails-surges-liquor-laws-coronavirus/>

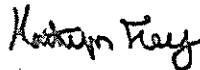
The shift toward off-premise alcohol sales has public health and safety implications. There is a stronger association between off-premise alcohol sales and harms than between on-premise sales and harms, including increased rates of violence, alcohol hospital admissions and impaired driving.⁵ Even before the pandemic, alcohol compliance checks conducted in several states in response to complaints of youth accessing alcohol through home delivery or curbside delivery have shown high rates of non-compliance with alcohol being provided or sold to minors.⁶ This bill does not provide any additional supports to the NH Liquor Enforcement to address these concerns.

According to the National Survey on Drug Use and Health, New Hampshire has some of the highest rates of alcohol use and binge drinking among young adults in the country. Alcohol dependence and abuse reduces New Hampshire's labor force by over 12,000 individuals or by 1.65 percent.⁷ **Productivity losses including reduced labor force participation and reduced earnings of alcohol dependent workers, account for the largest share of costs associated with substance abuse in New Hampshire, an estimated \$1.56 billion in 2014.**⁷

New Hampshire is currently struggling with a substance misuse epidemic-exacerbated by the COVID-19 pandemic- and alcohol remains the most prevalent substance misused in the United States and New Hampshire. This state cannot afford to weaken New Hampshire's alcohol regulations.

New Futures urges the committee to vote Inexpedient to Legislate on SB 66.

Sincerely,



Kathryn (Kate) Frey
Vice President of Advocacy

⁵ [Best Practice Guidance for Alcohol Sales and Deliveries During and After the COVID-19 Pandemic](#)

⁶ [The new speakeasy: Uber Eats has turned into a rogue cocktail bar](#)

⁷ <https://new-futures.org/sites/default/files/pages/attachments/2017 Economic Report Final.pdf>

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # SB 66-FN

Hearing date: 2/16/21

Executive Session date: 2/16/21

Motion of: Amendment Vote: 5-0

Committee Member	Made/by	Second	Yes	No
Sen. French, Chair	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input 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: OTP-A Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input checked="" 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 checked="" 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"/>

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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: SEN. FRENCH

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Friday, February 19, 2021

THE COMMITTEE ON Commerce

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0458s

Senator Harold French
For the Committee

Similar legislation was introduced last session; however, it died on the table. This bill would allow on-premises licensees to transport and deliver alcoholic beverages and wines with food to consumers. To deliver beverages, an on-premises licensee would need to purchase a restaurant delivery license from the Liquor Commission. These licenses would cost \$250 and they would have to be renewed annually. As amended, Section 1 of this bill would be repealed on June 30, 2023 to allow the Liquor Commission and Legislature to review its effectiveness.

Aaron Jones 271-4063

FOR THE CONSENT CALENDAR

COMMERCE

SB 66-FN, allowing on-premises licensees to transport beverages and wines for delivery to consumers.

Ought to Pass with Amendment, Vote 5-0.

Senator Harold French for the committee.

Similar legislation was introduced last session; however, it died on the table. This bill would allow on-premises licensees to transport and deliver alcoholic beverages and wines with food to consumers. To deliver beverages, an on-premises licensee would need to purchase a restaurant delivery license from the Liquor Commission. These licenses would cost \$250 and they would have to be renewed annually. As amended, Section 1 of this bill would be repealed on June 30, 2023 to allow the Liquor Commission and Legislature to review its effectiveness.

Docket of SB66**Bill Title:** allowing on-premises licensees to transport beverages and wines for delivery to consumers.*Official Docket of SB66.:*

Date	Body	Description
1/19/2021	S	Introduced 01/06/2021 and Referred to Commerce; SJ 3
2/10/2021	S	Remote Hearing: 02/16/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 11
2/19/2021	S	Committee Report: Ought to Pass with Amendment #2021-0458s , 03/04/2021; Vote 5-0; CC; SC 12
3/4/2021	S	Committee Amendment #2021-0458s , RC 23Y-1N , AA; 03/04/2021; SJ 6
3/4/2021	S	Ought to Pass with Amendment 2021-0458s, RC 23Y-1N , MA; OT3rdg; 03/04/2021; SJ 6
3/10/2021	H	Introduced (in recess of) 02/25/2021 and referred to Commerce and Consumer Affairs HJ 4 P. 48
3/23/2021	H	Public Hearing: 03/23/2021 10:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/97167243328 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/5/2021	H	==RECESSED== Executive Session: 05/13/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93883325643
5/18/2021	H	==CONTINUED== Executive Session: 05/25/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94122935505
5/25/2021	H	Committee Report: Ought to Pass with Amendment #2021-1495h (Vote 17-0; CC) HC 26 P. 4
6/3/2021	H	Amendment #2021-1495h : AA VV 06/03/2021
6/3/2021	H	Ought to Pass with Amendment 2021-1495h: MA VV 06/03/2021
6/10/2021	S	Sen. French Moved to Concur with the House Amendment, MA, VV; 06/10/2021; SJ 19
7/1/2021	H	Enrolled (in recess of) 06/24/2021
7/1/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/13/2021	S	Signed by the Governor on 07/09/2021; Chapter 0117; Effective 07/09/2021

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 66-FN

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

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 # 0357s - amendment # _____

- amendment # 21-04585 - 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

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