

CONSENT CALENDAR

March 6, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Commerce and Consumer Affairs to which was referred HB 1043,

AN ACT establishing a committee to study regulations applicable to small businesses that sell food. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. John Potucek

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1043
Title:	establishing a committee to study regulations applicable to small businesses that sell food.
Date:	March 6, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The Commerce and Consumer Affairs Committee unanimously agreed that this committee was not necessary since the issues that the study would be addressing are in HB 1595, relative to establishing a statewide food truck license. The Committee felt Interim Study is better than a joint House and Senate study Committee especially in the second year of the biennium, therefore, this bill was voted Inexpedient To Legislate.

Vote 18-0.

Rep. John Potucek
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 1043, establishing a committee to study regulations applicable to small businesses that sell food.
INEXPEDIENT TO LEGISLATE.

Rep. John Potucek for Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee unanimously agreed that this committee was not necessary since the issues that the study would be addressing are in HB 1595, relative to establishing a statewide food truck license. The Committee felt Interim Study is better than a joint House and Senate study Committee especially in the second year of the biennium, therefore, this bill was voted Inexpedient To Legislate.
Vote 18-0.

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1043

BILL TITLE: establishing a committee to study regulations applicable to small businesses that sell food.

DATE: March 3, 2022

LOB ROOM: 302-304

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Potucek

Seconded by Rep. Hunt

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Keith Ammon, Clerk



2022 SESSION

Commerce and Consumer Affairs

 Bill #: HB1043 Motion: ITL AM #: _____ Exec Session Date: 3/3/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
	18		
Hunt, John B. Chairman			
Potucek, John M. Vice Chairman	1		
Osborne, Jason M.	2		
Ammon, Keith M. Clerk	3		
Abramson, Max	4		
Ham, Bonnie D.	5		
Depalma IV, Joseph <i>Acton</i>	6		
Greeson, Jeffrey	7		
Johnson, Dawn M.	8		
Terry, Paul A.	9		
Bartlett, Christy D.	10		
Abel, Richard M.	11		
Herbert, Christopher J.			
Van Houten, Constance	12		
Fargo, Kristina M.	13		
Weston, Joyce	14		
Beaulieu, Jane E. <i>Tanner</i>	15		
Burroughs, Anita D.	16		
McAleer, Chris R.	17		
TOTAL VOTE:	18	0	

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1043

BILL TITLE: establishing a committee to study regulations applicable to small businesses that sell food.

DATE: January 27, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 3:17 p.m.

Time Adjourned: 3:35 p.m.

Committee Members: Reps. Hunt, Potucek, Ammon, Greeson, Johnson, Terry, Bartlett, Abel, Weston, Beaulieu, Burroughs and McAleer

Bill Sponsors:

Rep. Aron

Rep. McGuire

Rep. Binford

Rep. Johnson

Rep. Bordes

Rep. Love

Rep. Deshaies

Sen. Avard

TESTIMONY

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

Rep Judy Aaron

Situated here good afternoon chairman hunt all the members of the Commerce Committee never come to see you so here today to present my bill HP 10 I'll buy for the record this is representative Judy Aaron and I represent Sullivan County district 7 which is acworth Goshen Langdon lempster and Washington and so I had this bill HP 1043 and I know everybody is a fan of study builds but in light of that I wanted to say that I had had over the summer and probably before then too numerous complaints from local small businesses regarding food safety rules that they must adhere to the rules can be as you've heard in previous testimony the rules have been can be confusing illogical and sometimes costly to our constituents I feel that it's necessary that we take a deep dive into these issues facing our small businesses that sell food so this study committee should study number one state and local regulations including food licensing and food safety rules applicable to small businesses that sell food number two the problems caused by the current food safety rules for small businesses and #3 whether food safety rules can be simplified end or modified for small businesses that sell food in #4 to identify what future legislative actions if any are necessary to address the problems faced by small businesses that sell food in order to comply with current state and local break requirements and I believe there's federal requirements involved in this 2 but anyway here are a few examples of what people have told me about the rules they must follow so and and for sure these businessmen don't wanna poison their customers they are very careful and conscientious they want to do the right thing they wanna make sure their food that they're selling is safe but sometimes these food safety rules simply don't make any sense so for instance I did know about I I did need a hot dog vendor this past summer and she complained to me again that she could put giard cut up onions here we go with the onions on her customers hot dog but if she could have an onion herself on the food prep area of her cart which she keeps spotless then she would be required to have a restaurant license and a restaurant license is also as we all know and involved in costly endeavor I know another business that has a food truck they were unable to hook up a food grade hose to a clean drinking water source from a store structure at alison's in Walpole and instead they were told they could only use water from containers in their own food truck trucking around their own water was ridiculous it took up very valuable space in their food truck and restricted their water use and the water would have been just as safe and drinkable from there hose hookup another constituent who's a dairy farmer said to me that they wanted to get a small pasteurizer and pasteurize their

milk and make butter soft soft cheeses puddings yogurts kefir and creams and they were told they needed a commercial kitchen with a 3 Bay sink to do that but yet if they had a homestead license they could do that without a three base sink so they kinda doesn't make any sense people are not allowed to put a commercial kitchen in their home at least that's what I'm told yeah you can still bake things in your regular kitchen and label it exempt from New Hampshire licenses I'm also gonna note that some people told me today that that they couldn't come today or they wouldn't come today because to testify because they were afraid to come and testify for fear of reprisal from state agencies and I'd say that's indicative of a problem people didn't wanna come here and then say something and then have an inspector show up at their doorstep tomorrow so I believe this study bill is one that's really needed we really should as a legislature take a good hard look at these rules and see where some can be eliminated simplified clarified and just basically taking a look at for our small businesses I'm told that some of these rules even will make people abandoned their dreams of starting a business because they end up being so costly to implement and I hope that you'll pass this bill out of your committee with an RTP recommendation to start the process of really looking at what we're asking our small businesses itself food or wanna sell food but they should help you know how they should do things I mean given the testimony that we heard earlier is it just really underscores the reason that the the idea that there are some things that don't seem to make sense and some things that we really need to take a look at and see how people are doing it why they're doing it why the state is requesting them to do it I mean there may be very very good reasons why things are being done or asked to be done a certain way but I think we really need you need to take a look at and see what the differences are between these different licenses and how people are are being asked to adhere to these rules so with that i be happy to take it

Rep Beloafdsfdsa

Q: I love this bill. I think we could get rid of the other two bills. Would you believe? Your side of the isle doesn't want study committees.

A: Sometimes study committees are warranted. Sometimes we have to step back and see if the rules are working. The fact that there are only 30 hotdog carts in the states indicates maybe there is a problem.

Rep Bartlett

Q: There's no definition what a small business is and you want to address many types of businesses and want to be able to get a study committee out in that kind of timeframe during an election year?

A: There's certainly a time element. I would rather do something of meaningful work to help constituents than campaigning. I know a letter was sent from DES concerning this bill, they believed this bill was related to another bill I had submitted related to plumbing issues. It doesn't have anything to do with that other bill.

Philip Trowbridge, DES

Good afternoon alright I'm just passing around copies of the letter so good afternoon chairman Hunt and members of the committee thank you for this opportunity to testify for the record my name is Phillip trobridge I'm the manager of manager of the land resource management programs at New Hampshire DES and part of that program is the subsurface systems Bureau which deals with septic system permitting and so I'm here today to testify in support of this bill the bill seeks to have a study committee related to food safety and licensing regulations this is mentioned in the bill because some of the deep gas regulations related to septic system and water supply are crossed records for the food safety regulations insert to be happy to participate in study committee we recognize that these things are complicated and we are always looking for ways to streamline and modernize regulations and reduce the regulatory burden on our other people of the state and as Erin mentioned in our in our letter we did a cross reference to house bill 1312 which is related to plumbing code issues I understand point jointly that she wants this building because of the cross referencing that we have we it pulls in some of our regulations related to water supply and wastewater so it might be

appropriate to if you really want this just to focus on being safe you might have to say something to exempt these other aspects foodservice licensing so yeah with that I mean I just want to thank you all for the opportunity to testify and and have you take any questions

Rep Hunt

Q: Grease, oil from the friers, I assume someone needs to come take it away?

A: Yes. We have regulations on that for sure. There are several issues. If the septage becomes contaminated with grease and the haulers are taking it to a treatment plant and the excess grease can foul the plant. Some companies take it and turn it into biodiesel.

House Remote Testify

Commerce and Consumer Affairs Committee Testify List for Bill HB1043 on 2022-01-27

Support: 13 Oppose: 1 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Sawtelle, erick	Lee, NH esawtelles@aol.com	A Member of the Public	Myself	Support	No	No	1/23/2022 6:56 PM
Deshaies, Brodie	Wolfeboro, NH fleshed.08-snail@icloud.com	An Elected Official	Myself	Support	No	No	1/24/2022 4:31 PM
Chicoine, Brian	Manchester, NH brian.chicoinr@outlook.com	A Member of the Public	Myself	Support	No	No	1/25/2022 9:59 PM
Adams, Ashley	Hollis, NH narrowpineshomestead@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 6:26 AM
Allayne, Karina	New Boston, NH Karina.bertrand@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 6:54 AM
Harrington, Betsy	Deering, NH Betsiharrington@comcast.net	A Member of the Public	Myself	Support	No	No	1/26/2022 7:18 AM
Miller, Diane	BARNSTEAD, NH Tyngsdi@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 7:21 AM
Ferentino, Megan	Hudson, NH meganferentino@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/26/2022 7:21 AM
Peschiera, Alyssa	Bedford, NH Alycatmmc@hotmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 8:32 AM
Kate, Champney	Epsom, NH witchwithab70@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 10:47 AM
Gareau, Paul	Belmont, NH paul@hothaus.me	A Member of the Public	Myself	Support	No	No	1/26/2022 10:48 AM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 3:06 PM
Furnald, Thatcher	South Hampton, NH whippoorwilldairyfarm@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 10:22 AM

Fudala, Jill

Pittsfield, NH
Lrhfarms2018@gmail.com

A Member of the Public Myself

Support No

No

1/27/2022 2:24 PM

Archived: Thursday, May 19, 2022 12:44:46 PM

From: [Beauchesne, Suzanne](#)

Sent: Tuesday, January 25, 2022 11:07:06 AM

To: ~House Commerce Committee

Cc: [Judy Aron](#); david@davidbinford.com; [Mike Bordes](#); brodiefornh@gmail.com; [David Love](#); [Carol McGuire](#); [Dawn Johnson](#); [Kevin Avard](#); [Pelletier, Rene](#); [Trowbridge, Philip](#); [Tardif, Rob](#); [Sanborn, Mark A](#); [Crepeau, Adam](#)

Subject: HB 1043 Letter of Testimony

Importance: Normal

Dear Chairman Hunt and Members of the Committee:

Attached is a letter of testimony from the NH Department of Environmental Services on HB 1043, an act establishing a committee to study regulations applicable to small businesses that sell food. Should you have questions about this testimony, or need additional information, please feel free to contact either Robert Tardif, Subsurface Systems Bureau Administrator (robert.a.tardif@des.nh.gov or 271-2904) or Philip Trowbridge, Land Resource Management Administrator (philip.r.trowbridge@des.nh.gov or 271-4898). Thank you. Suzanne

Stay Safe! Be Well!

Suzanne Beauchesne
Office of the Commissioner
NH Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03301
Phone: (603) 271-3449
Suzanne.Beauchesne@des.nh.gov

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Archived: Thursday, May 19, 2022 12:44:45 PM

From: [Judy Aron](#)

Sent: Tuesday, January 25, 2022 9:10:36 PM

To: [Beauchesne, Suzanne](#); [~House Commerce Committee](#)

Cc: david@davidbinford.com; [Mike Bordes](#); brodiefornh@gmail.com; [David Love](#); [Carol McGuire](#); [Dawn Johnson](#); [Kevin Avard](#); [Pelletier, Rene](#); [Trowbridge, Philip](#); [Tardif, Rob](#); [Sanborn, Mark A](#); [Crepeau, Adam](#)

Subject: Re: HB 1043 Letter of Testimony

Importance: Normal

Dear Ms. Beauchesne,

Thank you for your comments regarding HB1043., and I appreciate the support of NH DES on this bill.

This bill actually has nothing to do with HB1312 or grease traps or plumbing or sewage.

HB1043 is only concerned about food safety rules as it applies to small businesses that sell food.

Constituents of mine who own small businesses that sell food have expressed many concerns to me regarding the food safety rules that they are asked to adhere to.

This proposed study committee only seeks to address what is expressed in item 3 of the bill.

Thank you,

Judy Aron

NH State Representative

Sullivan County District 7

(Acworth, Goshen, Langdon, Lempster, Washington)

Environment and Agriculture Committee, Vice-Chair

266 Forest Road, South Acworth, NH 03607

603-843-5908

From: [Beauchesne, Suzanne](#) <Suzanne.E.Beauchesne@des.nh.gov>

Sent: Tuesday, January 25, 2022 11:05 AM

To: [~House Commerce Committee](#) <HouseCommerceCommittee@leg.state.nh.us>

Cc: [Judy Aron](#) <Judy.Aron@leg.state.nh.us>; david@davidbinford.com <david@davidbinford.com>; [Mike Bordes](#) <Mike.Bordes@leg.state.nh.us>; brodiefornh@gmail.com <brodiefornh@gmail.com>; [David Love](#) <DavidLove4rep@gmail.com>; [Carol McGuire](#) <carol@mcguire4house.com>; [Dawn Johnson](#) <Dawn.Johnson@leg.state.nh.us>; [Kevin Avard](#) <Kevin.Avard@leg.state.nh.us>; [Pelletier, Rene](#) <rene.pelletier@des.nh.gov>; [Trowbridge, Philip](#) <philip.trowbridge@des.nh.gov>; [Tardif, Rob](#) <ROBERT.A.TARDIF@des.nh.gov>; [Sanborn, Mark A](#) <mark.a.sanborn1@des.nh.gov>; [Crepeau, Adam](#) <Adam.J.Crepeau@nh.gov>

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(robert.a.tardif@des.nh.gov or 271-2904) or Philip Trowbridge, Land Resource Management Administrator (philip.r.trowbridge@des.nh.gov or 271-4898). Thank you. Suzanne

Stay Safe! Be Well!

Suzanne Beauchesne
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NH Department of Environmental Services
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The State of New Hampshire
**Department of Environmental
Services**



Robert R. Scott, Commissioner

January 25, 2022

The Honorable John Hunt
Chairman, Commerce and Consumer Affairs Committee
Legislative Office Building, Room 302
Concord, NH 03301

RE: HB 1043, AN ACT establishing a committee to study regulations applicable to small businesses that sell food.

Dear Chairman Hunt and Members of the Committee:

Thank you for the opportunity to comment on HB 1043. This bill proposes to establish a committee to study regulations for food licensing and food safety applicable to small businesses that sell food. The New Hampshire Department of Environmental Services (NHDES) supports this proposed legislation.

NHDES believes this bill is related to HB 1312, in the House Executive Departments and Administration Committee, whose primary sponsor is Representative Aron. HB 1312 is related, in part, to requirements for food handling facilities to have grease interceptors. Grease interceptors are necessary for the protection of an onsite sewage disposal system but can add costs to business owners. NHDES received a letter from Representative Aron last summer in which she discussed concerns relative to grease interceptor regulations for food handling facilities. In the NHDES response to Representative Aron, it was suggested that a Legislative Study Committee be formed to obtain further input from professionals in the field. Those professionals could include food establishment owners, septic system designers, septage and grease haulers and municipal officials. If the Study Committee is established, and it is determined that changes to current NHDES regulations should be made, input received during committee meetings could be used to amend those regulations. NHDES suggests that the concerns raised in HB 1312 relative to NHDES regulations, may be addressed by the committee formed by HB 1043, if passed.

The Honorable John Hunt
Chairman, Commerce and Consumer Affairs Committee
January 25, 2022

Thank you again for the opportunity to comment on this important legislation. If you have questions or need additional information, please contact Robert Tardif, Subsurface Systems Bureau Administrator (robert.a.tardif@des.nh.gov or 271-2904) or Philip Trowbridge, Land Resource Management Administrator (philip.r.trowbridge@des.nh.gov or 271-4898).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long, sweeping horizontal stroke extending to the right.

Robert R. Scott
Commissioner

cc: Sponsors of HB 1043: Representatives Aron, McGuire, Binford, Johnson, Bordes, Love, Deshaies, and Senator Avard.

HB 1043 - AS INTRODUCED

2022 SESSION

22-2016
05/08

HOUSE BILL **1043**

AN ACT establishing a committee to study regulations applicable to small businesses that sell food.

SPONSORS: Rep. Aron, Sull. 7; Rep. McGuire, Merr. 29; Rep. Binford, Graf. 15; Rep. Johnson, Belk. 3; Rep. Bordes, Belk. 3; Rep. Love, Rock. 6; Rep. Deshaies, Carr. 6; Sen. Avar, Dist 12

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes a committee to study regulations applicable to small businesses that sell food.

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 Two

AN ACT establishing a committee to study regulations applicable to small businesses that sell food.

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

1 1 Committee Established. There is established a committee to study regulations applicable to
2 small businesses that sell food.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Four members of the house of representatives, appointed by the speaker of the house
6 of representatives, one of whom shall be a member of the commerce committee, one of whom shall be
7 a member of the environment and agriculture committee, one of whom shall be a member of the
8 resources, recreation and development committee, and one of whom shall be a member of the
9 executive departments and administration committee.

10 (b) One member of the senate, appointed by the president of the senate.

11 II. Members of the committee shall receive mileage at the legislative rate when attending to
12 the duties of the committee.

13 3 Duties. The committee shall study:

14 I. State and local regulations, including food licensing and food safety rules, applicable to
15 small businesses that sell food.

16 II. The problems caused by the current food safety rules for small businesses.

17 III. Whether food safety rules can be simplified and/or modified for small businesses that
18 sell food.

19 IV. Identify what future legislative actions, if any, are necessary to address the problems
20 faced by small businesses that sell food in order to comply with current state and local requirements.

21 V. Solicit information and testimony from the public, small business owners, and farmers, as
22 well as representatives of the department of environmental services, the department of health and
23 human services, and the department of agriculture, markets and food.

24 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
25 among the members. The first meeting of the committee shall be called by the first-named house
26 member. The first meeting of the committee shall be held within 45 days of the effective date of this
27 section. Three members of the committee shall constitute a quorum.

28 5 Report. The committee shall report its findings and any recommendations for proposed
29 legislation to the speaker of the house of representatives, the president of the senate, the house
30 clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

HB 1043 - AS INTRODUCED

- Page 2 -

1 6 Effective Date. This act shall take effect upon its passage.