

HB 407 - AS INTRODUCED

2023 SESSION

23-0620

08/04

HOUSE BILL            **407**

AN ACT                relative to regulations on alcohol.

SPONSORS:            Rep. Hunt, Ches. 14

COMMITTEE:          Commerce and Consumer Affairs

---

ANALYSIS

This bill makes various changes to the statutes relative to the regulation of alcohol.

This bill is a request of the liquor commission.

---

Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT relative to regulations on alcohol.

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

1 1 Alcoholic Beverages; Entertainment and Entertainers. Amend RSA 179:19, VI to read as  
2 follows:

3 VI. Licensees shall not allow **illegal** gambling or wagering on their premises.

4 2 Alcoholic Beverages; Employment; Employment of Minors; Felon Exception. Amend RSA  
5 179:23, IV to read as follows:

6 IV. Each licensee shall designate one or more persons to be in charge of the premises. ~~[Each~~  
7 ~~designated person in charge shall file an affidavit with the commission attesting to the fact such~~  
8 ~~person is 18 years of age or older and has not been convicted of a felony.]~~ For the purposes of this  
9 section, any corporate officer or member of a limited liability company shall be deemed to be a person  
10 in charge of the licensed premises. For the purposes of this section, any person designated as a  
11 person in charge by a licensee shall be considered so designated for all licenses held by the licensee.  
12 ~~[The commission shall maintain records of all affidavits filed by licensees.]~~ **Licensees shall**  
13 **maintain records of all affidavits for designated persons in charge.**

14 3 On-Premises Cocktail Lounge Licenses. Amend RSA 178:22, V(q) to read as follows:

15 (q) Full Service Restaurants. The commission may issue a cocktail lounge license to any  
16 full service restaurant holding a full service restaurant license under RSA 178:21, II(a)(1), to serve  
17 liquor, beverages, and specialty beverages in any room of the restaurant designated by the  
18 commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail  
19 lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate  
20 before the dining room opens for meals, except if breakfast and noon meals are not offered, the  
21 cocktail lounge may operate 3 hours before the dining room opens for the evening meals. Liquor,  
22 beverages, and specialty beverages served in such room need not be consumed with meals. The  
23 commission may extend the cocktail lounge license to include the use of a dining area in the  
24 restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an  
25 overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area,  
26 liquor, beverages, and specialty beverages need not be served with meals. Licenses shall be granted  
27 only to such restaurants as the commission, at its discretion, shall approve and then only to such  
28 restaurants as shall demonstrate to the commission, in the manner prescribed by the commission,  
29 that at least 50 percent of the combined restaurant and lounge ~~[and lounge]~~ sales shall fall within  
30 the category of food. Restaurants with annual food sales of at least \$75,000 shall be exempt from the  
31 50 percent requirement, and the commission shall prorate the annual food sale requirements for

**HB 407 - AS INTRODUCED**  
**- Page 2 -**

1 seasonal restaurants. The commission may grant, regulate, suspend, or revoke a cocktail lounge  
2 license without affecting any other license granted to such restaurant.

3 4 Additional Fees; Nano Breweries. Amend RSA 178:26 to read as follows:

4 178:26 Additional Fees.

5 I. In addition to the annual license fees provided in this chapter, a fee of \$.30 for each gallon  
6 of beverage sold or transferred for retail sale or to the public shall be required for licenses issued to  
7 wholesale distributors, beverage manufacturers, ~~[and]~~ brew pubs, **and nano breweries**; provided,  
8 however, that if beverage container mandatory deposit legislation is enacted, such fee shall be \$.18  
9 per gallon as of the effective date of such legislation. A fee of 5 percent of the wholesale price per  
10 case of any specialty beverage sold or transferred for retail sale or to the public shall be required for  
11 licenses issued to wholesale distributors or beverage manufacturers. For failure to pay any part of  
12 the fees provided or under this section when due, 10 percent of such fees shall be added and collected  
13 by the commission from the licensee.

14 II. [Repealed.]

15 III. Each wholesale distributor, beverage manufacturer, ~~[or]~~ brew pub, **or nano brewery**  
16 shall on or before the tenth day of each month pay the license fees as provided by paragraph I  
17 covering sales or transfers made during the preceding calendar month.

18 5 Repeal. The following are repealed:

19 I. RSA 179:53, II, relative to prohibiting a licensee from altering premises to provide for both  
20 on sale and off sale on the same premises.

21 II. RSA 179:57, I(d), relative to prohibiting any person convicted of a felony from being  
22 designated as being in charge of the premises.

23 III. RSA 178:20, V, relative to the sale of alcohol in the town of Errol.

24 IV. RSA 178:21, II(a)(4), relative to the sale of alcohol in the towns of Newington and  
25 Landaff.

26 6 Effective Date. This act shall take effect 60 days after its passage.