

Senate Commerce Committee

Aaron Jones 271-4063

HB 171, relative to food in cigar shops.

Hearing Date: April 13, 2021

Time Opened: 9:05 a.m.

Time Closed: 9:12 a.m.

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

Members of the Committee Absent : None

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

Sponsors:

Rep. Potucek

Rep. Van Houten

Rep. Belanger

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

Who opposes the bill: No one

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

Summary of testimony presented in support:

Representative John Potucek

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

Curtis Barry, on behalf of the New Hampshire Cigar Association

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

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

Summary of testimony presented in opposition: None

Neutral Information Presented: None

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Date Hearing Report completed: April 13, 2021