

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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;*

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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.

30 117:2 Effective Date. This act shall take effect upon its passage.

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

