

Amendment to SB 125-FN

1 Amend RSA 178:27-b as inserted by section 5 of the bill by replacing it with the following:

2
3 178:27-b Direct to Consumer Shipments of Alcohol to New Hampshire Residents.

4 I. Notwithstanding any other provision of law to the contrary, any business licensed under
5 this chapter as a beverage manufacturer, nano brewery, brew pub, wine manufacturer, liquor
6 manufacturer or beverage distributor may apply for an direct to consumer shipping permit from the
7 commission. The permit shall authorize the holder to sell and delivery alcohol beverages to
8 consumers 21 years of age or older located within the state of New Hampshire and businesses
9 licensed by the commission for on-sale and off-sale of alcoholic beverages. There shall be no fee to
10 obtain a shipping permit under this section.

11 II. No liquor manufacturer shall ship more than 60 individual containers of not more than
12 one liter each of liquor to any consumer's address in New Hampshire in any calendar year. No wine
13 manufacturer shall ship more than 12 9-liter cases or equivalent of wine to any consumer's address
14 in New Hampshire in any calendar year. No beverage manufacturer, nano brewery, brew pub, or
15 beverage distributor shall ship more than 27 gallons of beer, specialty beer or specialty beverage in
16 individual containers of not more than one liter to any consumer's address in New Hampshire in any
17 calendar year. Beer, specialty beer and specialty beverages delivered to New Hampshire consumers
18 under this section shall not exceed 8 percent alcohol by volume.

19 III. A manufacturer holding a direct to consumer shipping permit may ship directly to New
20 Hampshire consumers over 21 years of age or licensees in packages clearly marked "Alcoholic
21 Beverages, adult signature (over 21 years of age) required." All shipments from direct to consumer
22 shippers shall be made by a licensed carrier as defined in RSA 178:14 and such carriers are required
23 to obtain an adult signature. Direct to consumer permittees or carriers shall not ship into areas of
24 the state where alcohol beverages may not be lawfully sold. Shipments of any other products shall
25 be considered unlicensed shipments under the provisions of RSA 178:1, I.

26 IV.(a) Direct to consumer shipping permittees shall file reports to the commission. Such
27 reports shall be filed once per month for any month in which a shipment was made in a manner and
28 form required by the commission and include the following information:

29 (1) The total amount of alcoholic beverages shipped within the state for the
30 preceding month.

31 (2) The names and addresses of the purchasers to whom the alcoholic beverages
32 were shipped.

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1 (3) The date of purchase, if appropriate, the name of the common carrier used to
2 make each delivery, and the quantity and retail value of each shipment.

3 (b) The commission may assess a \$250 penalty for each failure to report to the
4 commission in a timely manner.

5 (c) Direct to consumer shipping permittees shall maintain records for at least 3 years
6 which will permit the commission to ascertain the truthfulness of the information filed and permit
7 the commission to perform an audit of the beverage manufacturer, nano brewery, brew pub, wine
8 manufacturer or liquor manufacturer.

9 V. The liquor commission shall adopt rules, pursuant to RSA 541-A, relative to:

10 (a) The application procedures and form for the direct to consumer shipping permit
11 authorized under paragraph I.

12 (b) The signature form or other identification procedures to be used by direct to
13 consumer shipping permittee to ensure that consumers to which alcoholic beverages are being
14 shipped are over 21 years of age.

15 (c) Filings of intrastate direct shippers under paragraph III.

16 VI. Violations of this section shall be subject to the penalties contained in RSA 179:58.

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18 Amend the bill by replacing section 6 with the following:

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20 6 New Paragraph; Beverage Manufacturer Licenses. Amend RSA 178:12 by inserting after
21 paragraph II-a the following new paragraph:

22 II-b. Each beverage manufacturer shall have the right to manufacture beverages and
23 specialty beer as defined by RSA 175:1 at the beverage manufacturer's New Hampshire licensed
24 premises, to sell those beverages and specialty beers to New Hampshire wholesalers and at one
25 beverage manufacturer retail outlet as defined in RSA 175:1, IX-a, in quantities provided by statute,
26 and transport said beverages and specialty beer to the state line. The beverage manufacturer shall
27 pay an annual fee of \$336 to the commission for the beverage manufacturer retail outlet. The
28 beverage manufacturer may transport beverages it manufactures to its beverage manufacturer retail
29 outlet for sample or sale. Visitors of legal drinking age at the beverage manufacturer retail outlet
30 may be provided with samples of beverages manufactured by the licensee in this state for tasting. A
31 beverage manufacturer may either provide samples for free or for a fee which shall be limited to one
32 4-ounce sample per label or one 16-ounce glass per person. At such times as food is available, a
33 beverage manufacturer may serve no more than one additional 16-ounce glasses per person in any
34 areas approved by the commission. For the purpose of this section, food and non-alcoholic beverages
35 may be provided by a properly-licensed third party food vendor, prepared on or off the premises.

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1 Amend the bill by inserting after section 7 the following and renumbering the original section 8 to
2 read as 12:

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4 8 New Paragraph; Direct to Consumer Shipping Permit. Amend RSA 178:14 by inserting after
5 paragraph III the following new paragraph:

6 IV. A licensed carrier shall authorize the licensee to pick up, transport, and deliver beer and
7 alcoholic beverages from a business holding a direct to consumer shipping permit as provided in RSA
8 178:27-b.

9 9 Beverage; Definition. Amend RSA 175:1, VIII to read as follows:

10 VIII. "Beverage" means any beer, wine, similar fermented malt or vinous liquors and fruit
11 juices, and any other liquid intended for human consumption as a beverage having an alcoholic
12 content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume
13 at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. The commission may
14 approve any fermented malt beverage, ***other similar fermented and brewed beverage***, or mead
15 greater than 6 percent but not to exceed 8 percent or any cider greater than 6 percent or any
16 specialty cider greater than 8 percent and not to exceed 12 percent alcohol by volume at 60 degrees
17 Fahrenheit. A beverage shall not be considered a product classified by the commission as a domestic
18 wine as defined in RSA 175:1, LXVII, or a table wine as defined in RSA 175:1, LXIX, or a fortified
19 wine as defined in RSA 175:1.

20 10 Nano Brewery; Samples. RSA 178:12-a, II(e) is repealed and reenacted to read as follows:

21 (e) A nano brewery may either provide samples for free or for a fee which shall be
22 limited to one, 4-ounce glass per label or one 16-ounce glass per person. At such times as food is
23 available, a nano brewery may serve no more than 2, 16-ounce glasses per person in any areas
24 approved by the commission. For the purpose of this section, food and non-alcoholic beverages may
25 be provided by properly licensed third-party food vendors, prepared on or off the premises.

26 11 Direct Shippers. Amend RSA 178:27, IV to read as follows:

27 IV. No direct shipper shall ship more than 27 gallons of beer or beverage in individual
28 containers of not more than one liter to any ~~[consumer's address]~~ ***licensee or consumer*** in New
29 Hampshire in any calendar year. ~~[No direct shipper shall ship beer or beverage to a New Hampshire~~
30 ~~licensee.]~~