

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**HB 183**, prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

**Hearing Date:** April 19, 2021

**Members of the Committee Present:** Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

**Members of the Committee Absent :** None

**Bill Analysis:** This bill prohibits a city, town, or village district from licensing or regulating a soft drink stand operated by a person under the age of 18.

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**Sponsors:**

Rep. True  
Rep. Piemonte

Rep. Abramson  
Rep. Torosian

Rep. Greene

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**Who supports the bill:** Representative Chris True, Representative Tony Piemonte, Representative Erica Layon, Eric Pauer, Shannon Bouchard, Albert Todd

**Who opposes the bill:** Representative Dargie, Representative Jan Schmidt, Representative Marjorie Porter, Representative Timothy Horrigan, Representative Dru Fox, Representative Chuck Grassie, Representative Megan Murray, Representative Susan Almay, Stephanie Osborne, Valerie Scarborough, Richard Hunnewell, Anne Hunnewell, Mary Eisner, Nancy Vaughan, Cordell Johnston

**Summary of testimony presented in support:**

**Representative Chris True**

- In New Hampshire towns are only to act within the authority given to them by the state.
- Passage of this legislation will clarify that, before a town acts to license a child's drink stand, they do not have that authority.
- He could not find any compelling interest for a town to regulate and license a soft drink stand that a child has set up on his/her front lawn.
- The bill makes a very important statement that there are areas in our lives that are not the concern of government.
- He believes this is a very positive bill.
- Senator Gray asked if the bill allows a person under 18 could set up a drink stand anywhere in the town and not just their front lawn.
  - Representative True replied that the city would certainly have a compelling interest if the drink stand was set up at a dangerous intersection. He believes parents will not send their kids to another area of the city to set up a drink stand.

- Senator Gray asked if he would object to the drink stand only on private property with permission of the owner.
  - Representative True stated he would have no objection at all.

### **Summary of testimony presented in opposition:**

#### **Representative Timothy Horrigan**

- He believes this is a solution in search of a problem.
- The only documented case he saw was a girl in London, England who was fined for operating a lemonade stand.
- It is problematic that an 18 year old can sell soft drinks without regulation.
- He believes this was started through a publicity
- No family in NH has ever been in trouble for operating a lemonade stand
- Senator Birdsell asked if he was aware that in May of 2019, in New York, police shut down a 12 year olds lemonade stand and in Massachusetts a child's green tea stand was shut down.
  - Representative Horrigan replied that those are not in NH and there is a bigger problem of police overreacting to minor issues.
- Senator Birdsell commented that he stated there was only one in London and she wanted him to be aware that it has happened in the US.

#### **Nancy Vaughan – American Heart Association**

- The American Heart Association opposes state government removing local government authority to make decisions on issues impacting their community.
- Local governments are uniquely positioned to meet the needs of the people in their communities.
- They know how to solve local problems because they see them up close
- Residents work together to come up with a solution and put it into practice.
- States should provide basic protections so everyone is treated fairly.
- Local decision making allows municipalities to act on issues directly and more expediently than would be possible if they had to go to the state.

#### **Cordell Johnston – NH Municipal Association**

- This has never come up in NH and it probably never will.
- Their concern is the state telling towns not to do something that they were not going to do anyway.
- It is almost insulting to tell local governments don't do stupid things.
- Municipalities in New Hampshire are not going to try and regulate kids lemonade stands.
- The only time it would happen is if kids are doing something that is unsafe and the police should be able to come along and ask them to move.
- If they believe the bill is necessary he would suggest at least putting in language that states municipalities can take action that is necessary in the interest of public safety or the safety of the children themselves.