

SB 17 - AS AMENDED BY THE SENATE

02/11/2021 0024s

02/11/2021 0322s

2021 SESSION

21-0327

08/11

SENATE BILL **17**

AN ACT relative to brew pubs allowing customers to bring dogs to outdoor areas and enabling nano breweries and brew pubs to enter into contracts with contract brewers.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Gannon, Dist 23; Sen. Cavanaugh, Dist 16; Sen. Carson, Dist 14; Sen. Sherman, Dist 24

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill allows municipalities to adopt ordinances to allow dogs in outdoor areas of brew pubs.

This bill also enables nano breweries and brew pubs to enter into contracts with contract brewers.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to brew pubs allowing customers to bring dogs to outdoor areas and enabling nano breweries and brew pubs to enter into contracts with contract brewers.

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

1 1 New Paragraph; Dogs on Brew Pub Patios. Amend RSA 466:44 by inserting after paragraph
2 II the following new paragraph:

3 III. A municipality may adopt an ordinance allowing a person holding a brew pub license
4 under RSA 178:13 to allow dogs onto any patio at his or her place of business, if such dogs' and
5 owners' access to the patio is from the exterior of the brew pub, regardless of whether food or drink
6 are served on such patio. In this paragraph, "patio" means an open air, exterior, paved space with
7 an entrance separate from the brew pub. Such dogs shall not be allowed in food preparation or
8 production areas. A brew pub licensee allowing dogs shall prominently display a sign at all public
9 entrances advising patrons that dogs are allowed on the premises. This paragraph shall not apply
10 to service animals as defined by RSA 167-D:1, IV.

11 2 New Paragraphs; Nano Brewery; Contract Brewing. Amend RSA 178:12-a by inserting after
12 paragraph VIII the following new paragraphs:

13 IX. Each nano brewery shall have the right to transport the beverage it manufactures in
14 barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state
15 border for transportation and sale outside the state. A nano brewer in a contract brewing
16 arrangement may transport the beverage produced by the contract brewer in barrels, kegs, bottles,
17 or other closed containers within the state for storage or to the state border for transportation and
18 sale outside the state.

19 X. A nano brewer may enter into a contract brewing arrangement with a contract brewer
20 brewing in the state of New Hampshire after the nano brewer has been in operation for one year.
21 Beverages produced by a contract brewer intended for sale outside the state may be warehoused at
22 the nano brewer's facility or at some other facility accessible only to the nano brewer. A contract
23 brewer shall not deliver beverages to on-premises and off-premises licensees within the state. A
24 nano brewer shall file all contract brewing arrangements with the commission. A nano brewer shall
25 not enter into a contract brewing arrangement with a contract brewer if it does not brew at least 10
26 barrels annually.

27 XI. Nano brewers and contract brewers shall be allowed to store beverages manufactured in
28 accordance with the provisions of this title in a storage facility licensed by the commission. Nano
29 brewers and contract brewers storing beverages in a warehouse licensed under RSA 178:11, or other

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1 facility approved by the commissioner for the purpose of storing alcohol, shall keep records of the
2 type, quality and destination of beverages removed from storage. Such records shall be retained by
3 the nano brewer or contract brewer using the facility and shall be made available to the commission
4 upon request. A nano brewer shall not enter into a contract brewing arrangement with a contract
5 brewer if it does not brew at least 10 barrels annually.

6 XII. Annual onsite production by a nano brewer shall not be less than their production for
7 the calendar year prior to entering into an arrangement with a contract brewer. Total production,
8 including tenant and contract brewers, shall be at least 10 barrels and shall not exceed 2,000 barrels
9 annually.

10 XIII. The nano brewer shall submit to the liquor commission an annual report of all
11 beverages by:

12 (a) The nano brewer on-site.

13 (b) Any tenant brewer.

14 (c) Any contract brewer the nano brewer has contracted with under paragraph X.

15 XIV. All taxes due on product that is made by a contract brewer shall be paid by the nano
16 brewer.

17 3 New Paragraphs; Brew Pub Contract Brewing. Amend RSA 178:13 by inserting after
18 paragraph VIII the following new paragraphs:

19 IX. Each brew pub shall have the right to transport the beverage it manufactures in barrels,
20 kegs, bottles, or other closed containers within the state for sale to licensees and to the state border
21 for transportation and sale outside the state. A brew pub in a contract brewing arrangement may
22 transport the beverage produced by the contract brewer in barrels, kegs, bottles, or other closed
23 containers within the state for storage or to the state border for transportation and sale outside the
24 state.

25 X. A brew pub may enter into a contract brewing arrangement with a contract brewer
26 brewing in the state of New Hampshire after the brew pub has been in operation for one year.
27 Beverages produced by a contract brewer intended for sale outside the state may be warehoused at
28 the brew pub's facility or at some other facility accessible only to the brew pub. A contract brewer
29 shall not deliver beverages to on-premises and off-premises licensees within the state. A brew pub
30 shall file all contract brewing arrangements with the commission. A brew pub shall not enter into a
31 contract brewing arrangement with a contract brewer if it does not brew at least 10 barrels
32 annually.

33 XI. Brew pubs and contract brewers shall be allowed to store beverages manufactured in
34 accordance with the provisions of this title in a storage facility licensed by the commission. Brew
35 pubs and contract brewers storing beverages in a warehouse licensed under RSA 178:11, or other
36 facility approved by the commissioner for the purpose of storing alcohol, shall keep records of the
37 type, quality and destination of beverages removed from storage. Such records shall be retained by

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1 the brew pub or contract brewer using the facility and shall be made available to the commission
2 upon request.

3 XII. Annual onsite production by a brew pub shall not be less than their production for the
4 calendar year prior to entering into an arrangement with a contract brewer. Total production
5 including tenant and contract brewers, shall be at least 10 barrels and shall not exceed 2,500 barrels
6 annually.

7 XIII. The brew pub shall submit to the liquor commission an annual report of all beverages
8 by:

9 (a) The brew pub on-site.

10 (b) Any tenant brewer.

11 (c) Any contract brewer the brew pub has contracted with under paragraph X.

12 XIV. All taxes due on product that is made by a contract brewer shall be paid by the brew
13 pub.

14 4 Contract Brewers; Nano Brewers and Brew Pubs Added. Amend RSA 175:1, XXV-a-XXV-b to
15 read as follows:

16 XXV-a. "Contract brewer" means a brewery hired by a beverage manufacturer, ***nano***
17 ***brewery, or brew pub*** to produce a beverage for the beverage manufacturer.

18 XXV-b. "Contract brewing arrangement" means a business relationship in which a beverage
19 manufacturer, ***nano brewery, or brew pub*** pays another brewer to produce a beverage for the
20 beverage manufacturer, ***nano brewer, or brew pub*** for sale.

21 5 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0327
7/27/21

SB 17- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENTS #2021-0024s and #2021-0322s)

AN ACT relative to brew pubs allowing customers to bring dogs to outdoor areas and enabling nano breweries and brew pubs to enter into contracts with contract brewers.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General Liquor Fund <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other -			

METHODOLOGY:

This bill allows municipalities to adopt ordinances to allow dogs in outdoor areas of brew pubs and enables nano breweries and brew pubs to enter into contracts with contract brewers.

The New Hampshire Liquor Commission indicates the bill may result in additional revenue and additional expenditures for licensing and auditing staff. The Commission is not able to estimate the additional revenue or determine if the additional workload will result in a need for additional staff.

AGENCIES CONTACTED:

Liquor Commission