

CHAPTER 248
HB 253 – FINAL VERSION

6Mar2013... 0358h
05/23/13 1592s
26June2013... 2152CofC
26June2013... 2194EBA

2013 SESSION

13-0831
08/03

HOUSE BILL **253**

AN ACT relative to limitations on sales by nano breweries for consumption on the premises.

SPONSORS: Rep. O'Flaherty, Hills 12; Rep. Warden, Hills 39; Rep. Michael Garcia, Hills 34

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill allows a nano brewery to obtain a license upgrade exempting the licensee from sales limitations where the nano brewery has an existing on-premises beverage and wine license and sells food.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 248
HB 253 – FINAL VERSION

6Mar2013... 0358h
05/23/13 1592s
26June2013... 2152CofC
26June2013... 2194EBA

13-0831
08/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to limitations on sales by nano breweries for consumption on the premises.

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

1 248:1 Nano Brewery License. Amend RSA 178:12-a to read as follows:

2 178:12-a Nano Brewery License.

3 I. The commission may issue a nano brewery license to a business that manufactures beer or
4 specialty beer, not exceeding, 2,000 barrels annually for sale in any quantity to the general public or
5 licensees. The license shall entitle the licensee to sell at retail or wholesale only beverages
6 manufactured by the licensee in a public building as defined in RSA 175:1, LV-a. In addition to the
7 annual license fees provided in this section, a fee of \$.30 for each gallon of beverage sold or
8 transferred for retail sale or to the public shall be required. ***On or before the tenth day of each***
9 ***month, a nano brewery licensee shall pay the license fees under this paragraph covering***
10 ***sales or transfers made during the preceding calendar month.***

11 II. ~~[(a)]~~ The annual fee for each license issued under this section shall be \$240. ***Except for***
12 ***licensees under paragraph VII, licensees shall comply with the following:***

13 ~~[(b) On or before the tenth day of each month a nano brewery licensee shall pay the~~
14 ~~license fees as provided by paragraph I covering sales or transfers made during the preceding~~
15 ~~calendar month.]~~

16 ~~[(H)]~~(a) No beverage or liquor shall be served or consumed on the premises except that which
17 is manufactured by the ***licensee on the premises.***

18 (b) The licensee may serve beverages to any visitor of legal drinking age by the glass or
19 other suitable container.

20 (c) For the purpose of this section, food and non-alcoholic beverages may be provided by a
21 properly licensed third party food vendor, ***prepared*** on or off the premises.

22 (d) The licensee shall not allow any beverage or liquor to be served or sold to any person
23 under the age of 21 on the premises.

24 (e) Sales for consumption on the premises shall be limited to one 4-ounce glass per label
25 per person.

26 ~~[(IV)]~~ ***III.*** A nano brewery licensee shall have the right to transport beverages it

CHATPER 248
HB 253 – FINAL VERSION
- Page 2 -

1 manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees
2 and to the state border for transportation and sale outside the state.

3 ~~IV.~~ *IV.* A nano brewery licensee may transport its products to a farmers' market, and may
4 sell such products at retail in the original container.

5 *V. No unopened container sold by the licensee shall be opened or consumed on the*
6 *premises.*

7 *VI. Any nano brewery licensee meeting and maintaining the requirements of a*
8 *restaurant under RSA 178:20, except RSA 178:20, IV and paying an additional fee of \$240,*
9 *shall comply with the following:*

10 *(a) No beverage or liquor shall be served or consumed on the premises except*
11 *that which is manufactured by the licensee on the premises.*

12 *(b) The licensee may serve beverages to any visitor of legal drinking age by the*
13 *glass or other suitable container.*

14 *(c) The licensee shall not allow any beverage or liquor to be served or sold to*
15 *any person under the age of 21 on the premises.*

16 248:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 24, 2013

Effective Date: September 22, 2013