CHAPTER 306 HB 1415-FN – FINAL VERSION

05/15/14 1879s 4Jun2014... 1992CofC

2014 SESSION

 $\begin{array}{c} 14\text{-}2156 \\ 04/05 \end{array}$

HOUSE BILL **1415-FN**

AN ACT establishing a robotics education fund in the department of education, relative to liquor manufacturers and rectifiers and samples of alcoholic beverages, and establishing a commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities.

SPONSORS: Rep. Major, Rock 14; Rep. Almy, Graf 13; Rep. Davis, Merr 20; Rep. Borden, Rock 24; Rep. Rappaport, Coos 1; Rep. Introne, Rock 5; Rep. L. Ober, Hills 37; Sen. Stiles, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Larsen, Dist 15

COMMITTEE: Education

AMENDED ANALYSIS

This bill:

I. Establishes a robotics education fund.

II. Allows a licensed rectifier to provide samples of liquor to visitors at its facility or to other licensees.

III. Establishes annual restrictions on alcoholic beverage samples.

IV. Establishes a commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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> 14 - 215604/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT establishing a robotics education fund in the department of education, relative to liquor manufacturers and rectifiers and samples of alcoholic beverages, and establishing a commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities.

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

306:1 New Subdivision; Robotics Education Fund. Amend RSA 188-E by inserting after section 1 $\mathbf{2}$ 23 the following new subdivision:

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Robotics Education Fund 188-E:24 Robotics Education Fund Established. There is established in the office of the state 4 $\mathbf{5}$ treasurer a nonlapsing fund to be known as the robotics education fund to be administered by the 6 commissioner of the department of education, which shall be kept distinct and separate from all 7 other funds. All moneys in the robotics education fund shall be continually appropriated to the 8 commissioner of the department of education for the purpose of providing funding to school districts 9 for the development of robotics teams, encouraging participation in robotics competitions, and to 10 make robotics available to more public high school students. The commissioner is authorized to 11 accept any gifts, grants, donations, or other funding from any source and shall deposit all such 12revenue received in the robotics education fund. For the biennium ending June 30, 2015, the 13commissioner shall disburse funds pursuant to this section not to exceed \$100,000 per fiscal year. 14Each fiscal year thereafter, the commissioner shall disburse funds pursuant to this section up to the amount of funds available. 15

16306:2 New Subparagraph; Application of Receipts; Robotics Education Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (316) the following new subparagraph: 17

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(317) The robotics education fund established in RSA 188-E:24.

19306:3 Liquor Manufacturer; Sample Fee. Amend RSA 178:6, VI to read as follows:

20VI. Each liquor manufacturer shall maintain records and prepare reports for the commission 21which shall indicate the sales made under paragraph III and samples distributed under 22paragraph IX and shall pay to the commission monthly a fee equal to 8 percent of such sales or 8 23percent of the retail value of such samples on or before the tenth day of the month following the 24sale or the sample distribution.

25306:4 New Paragraph; Liquor Manufacturer; Distribution of Samples. Amend RSA 178:6 by

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| 1 | inserting after paragraph VIII the following new paragraph: |
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| 2 | IX. Each liquor manufacturer selling no more than the equivalent of 3,000 9-liter cases of |
| 3 | liquor per year at its licensed manufacturing facility shall have the right to distribute samples |
| 4 | directly to on-premises and agency store licensees for tasting on the licensed premises in accordance |
| 5 | with RSA 179:44. |
| 6 | 306:5 Samples Provided for Tasting. Amend RSA 179:31, II to read as follows: |
| 7 | II.(a) Manufacturers, wholesale distributors, rectifiers, or wine and liquor vendors or their |
| 8 | salespersons may distribute samples of their products to licensees for purposes of tasting. The |
| 9 | following restrictions shall apply: |
| 10 | [(a) Beer samples shall not exceed one 6-pack. |
| 11 | (b) Wine samples shall not exceed 2 750 ml. bottles. |
| 12 | (c) Liquor samples shall not exceed one 750 ml. bottle. |
| 13 | (d) Wine coolers samples shall not exceed one 4 pack, or the product's normal marketing |
| 14 | unit.] |
| 15 | [(e)] (1) All liquor or wine for this purpose shall be purchased from the commission, |
| 16 | except as provided in RSA 178:6, VI, RSA 178:6, IX, RSA 178:7, V, and RSA 178:7, VI. The |
| 17 | cost shall be no more than the commission's original cost paid by the commission plus 8 |
| 18 | percent. |
| 19 | [(f)] (2) All beverage, wine, or liquor samples may be added to the retailer's inventory for |
| 20 | sale. |
| 21 | [(g)] (3) All beverage furnished as samples shall be considered sales for the |
| 22 | requirements of RSA 178:26. |
| 23 | (b) Total samples distributed under this paragraph by any manufacturer, |
| 24 | wholesale distributor, rectifier, or wine or liquor vendor or their salespersons shall not |
| 25 | exceed the following in any calendar year per licensee: |
| 26 | (1) One 6-pack of beer. |
| 27 | (2) Two 750 ml. bottles of wine. |
| 28 | (3) One 750 ml. bottle of liquor. |
| 29 | (4) One 4-pack, or the product's normal marketing unit, of wine coolers. |
| 30 | 306:6 Free Drinks. Amend RSA 179:44 to read as follows: |
| 31 | 179:44 Free Drinks. |
| 32 | I. No licensee shall give away free drinks to customers, patrons, members, or guests, in any |
| 33 | manner. |
| 34 | II. Notwithstanding [the above] paragraph I, beverage manufacturers, liquor |
| 35 | manufacturers, rectifiers, beverage vendors, brew pubs, wholesale distributors and their liquor or |
| 36 | wine vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises |

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and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed 1 $\mathbf{2}$ premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are 3 authorized by the commission for the sale of the product on the premises.

4 III. Liquor, beverage, or wine samples shall be consumed on the premises, and, except for wine samples provided by wine manufacturers and liquor samples provided by liquor $\mathbf{5}$ manufacturers in accordance with RSA 178:6, IX and rectifiers in accordance with 6 $\overline{7}$ RSA 178:7, V, liquor or wine for this purpose shall be purchased from the commission under 8 conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as 9 prescribed by this title.

10 IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and 11 procedures for liquor, beverage, and wine tasting within the state.

V. All samples furnished for tasting shall be considered sales for the requirements of

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13RSA 178:26, RSA 178:6, VI, and RSA 178:7, VI.

14306:7 New Paragraphs; Rectifier; Samples. Amend RSA 178:7 by inserting after paragraph III 15the following new paragraphs:

16IV. A rectifier may provide a reasonable number of samples of liquor for tasting to a visitor at its licensed rectifier facility. Samples shall not exceed 1/2 ounce, and shall not be provided to any 1718 person under 21 years of age.

19V. A rectifier producing no more than the equivalent of 3,000 9-liter cases of liquor per year 20at its licensed rectifier facility shall have the right to distribute samples directly to on-premises and 21agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

22VI. Each rectifier shall maintain records and prepare reports for the commission which shall 23indicate the samples distributed under paragraph V and shall pay to the commission monthly a fee 24equal to 8 percent of the retail value of such samples on or before the tenth day of the month 25following the sample distribution.

26306:8 New Section; Commission to Review and Consider Alcoholic Beverage Manufacturing 27Processes and Retail Sales at Manufacturing Facilities. Amend RSA 175 by inserting after section 8 28the following new section:

29175:9 Commission to Review and Consider Alcoholic Beverage Manufacturing Processes and 30 Retail Sales at Manufacturing Facilities.

I. There is established a commission to review and consider alcoholic beverage 3132manufacturing processes and retail sales at manufacturing facilities.

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II. The members of the commission shall be as follows:

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(a) One member of the senate, appointed by the president of the senate.

35(b) Three members of the house of representatives, appointed by the speaker of the 36 house of representatives.

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| 1 | (c) One representative of the New Hampshire Lodging and Restaurant association, |
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| 2 | appointed by the association. |
| 3 | (d) One representative of a nano brewery licensee, appointed by the speaker of the house |
| 4 | of representatives. |
| 5 | (e) One representative of a liquor manufacturer licensee, appointed by the speaker of the |
| 6 | house of representatives. |
| 7 | (f) One representative of a wine manufacturer licensee, appointed by the governor. |
| 8 | (g) One representative of a rectifier licensee, appointed by the president of the senate. |
| 9 | (h) The liquor commissioner, or designee. |
| 10 | (i) One representative of a wholesale distributor licensee, appointed by the president of |
| 11 | the senate. |
| 12 | (j) One representative of a liquor and wine vendor licensee, appointed by the governor. |
| 13 | III. Legislative members of the commission shall receive mileage at the legislative rate when |
| 14 | attending to the duties of the commission. |
| 15 | IV. The members of the commission shall elect a chairperson from among the members. The |
| 16 | first meeting of the commission shall be called by the senate member. The first meeting of the |
| 17 | commission shall be held within 45 days of the effective date of this section. Seven members of the |
| 18 | commission shall constitute a quorum. |
| 19 | V. The commission shall review and consider alcoholic beverage manufacturing processes |
| 20 | and retail sales at manufacturing facilities. The commission shall report its findings and any |
| 21 | recommendations for proposed legislation to the president of the senate, the speaker of the house of |
| 22 | representatives, the senate clerk, the house clerk, the governor, and the state library on or before |
| 23 | November 1, 2014. |
| 24 | 306:9 Repeal. RSA 175:9, relative to the commission to review and consider alcoholic beverage |
| 25 | manufacturing processes and retail sales at manufacturing facilities, is repealed. |
| 26 | 306:10 Effective Date. |
| 27 | I. Sections 1-5 of this act shall take effect 60 days after its passage. |
| 28 | II. Section 9 of this act shall take effect November 1, 2014. |
| 29 | III. The remainder of this act shall take effect upon its passage. |
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| 31 | Approved: August 1, 2014 |
| 32 | Effective Date: I. Sections 1-5 shall take effect September 30, 2014. |
| 33 | II. Section 9 shall take effect November 1, 2014. |
| 34 | III. Remainder shall take effect August 1, 2014. |