

**CHAPTER 306**  
**HB 1415-FN – FINAL VERSION**

05/15/14 1879s  
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2014 SESSION

14-2156  
04/05

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

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



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1 inserting after paragraph VIII the following new paragraph:

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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1 and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed  
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  
5 wine samples provided by wine manufacturers *and liquor samples provided by liquor*  
6 *manufacturers in accordance with RSA 178:6, IX and rectifiers in accordance with*  
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.

12 V. All samples furnished for tasting shall be considered sales for the requirements of  
13 RSA 178:26, *RSA 178:6, VI, and RSA 178:7, VI*.

14 306:7 New Paragraphs; Rectifier; Samples. Amend RSA 178:7 by inserting after paragraph III  
15 the following new paragraphs:

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

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

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

26 306:8 New Section; Commission to Review and Consider Alcoholic Beverage Manufacturing  
27 Processes and Retail Sales at Manufacturing Facilities. Amend RSA 175 by inserting after section 8  
28 the following new section:

29 175:9 Commission to Review and Consider Alcoholic Beverage Manufacturing Processes and  
30 Retail Sales at Manufacturing Facilities.

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

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

34 (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,  
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.

30  
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.