

CHAPTER 200
SB 310-FN – FINAL VERSION

05/08/14 1805EBA

2014 SESSION

14-2726
03/10

SENATE BILL ***310-FN***

AN ACT authorizing tenant brewing.

SPONSORS: Sen. Stiles, Dist 24; Sen. Woodburn, Dist 1; Sen. Bradley, Dist 3;
Sen. Fuller Clark, Dist 21; Sen. Boutin, Dist 16; Sen. Carson, Dist 14;
Sen. Cataldo, Dist 6; Sen. Gilmour, Dist 12; Sen. Larsen, Dist 15; Sen. Odell,
Dist 8; Sen. Rausch, Dist 19; Sen. Reagan, Dist 17; Sen. Watters, Dist 4;
Rep. Flanagan, Hills 26; Rep. Emerick, Rock 21; Rep. Schlachman, Rock 18;
Rep. Cali-Pitts, Rock 30; Rep. Wazlaw, Rock 29

COMMITTEE: Commerce

ANALYSIS

 This bill establishes a tenant brewer license authorizing the holder to enter into a partnership with a beverage manufacture to produce or package beer or specialty beer.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 200
SB 310-FN – FINAL VERSION

05/08/14 1805EBA

14-2726
03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT authorizing tenant brewing.

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

1 200:1 New Paragraph; Definitions; Host Brewer. Amend RSA 175:1 by inserting after
2 paragraph XXXVI-a the following new paragraph:

3 XXXVI-b. “Host brewer” means a beverage manufacturer who has entered into host-tenant
4 partnership with a tenant brewer licensed under RSA 178:12-b for the purpose of producing or
5 packaging beer or specialty beer on behalf of the tenant brewer.

6 200:2 New Paragraph; Definitions; Tenant Brewer. Amend RSA 175:1 by inserting after
7 paragraph LXIV-c the following new paragraph:

8 LXIV-cc. “Tenant brewer” means a person who has a brewer’s notice approved by the
9 United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau allowing the
10 person to engage in an alternating brewery proprietorship.

11 200:3 Beverage Manufacturer License; Tenant Brewing. Amend the introductory paragraph of
12 RSA 178:12, IV(a) to read as follows:

13 IV.(a) The holder of a beverage manufacturer license may sell beverages manufactured on
14 its premises ***or manufactured by the licensee at a host brewer facility*** to:

15 200:4 Beverage Manufacturer License; Tenant Brewing. Amend RSA 178:12, VI to read as
16 follows:

17 VI. The holder of a beverage manufacturer license may sell beverages manufactured on its
18 premises ***or manufactured by the licensee at a host brewer facility*** to New Hampshire
19 wholesalers, subject to the conditions of RSA 180.

20 200:5 New Paragraphs; Beverage Manufacturer License; Tenant Brewing. Amend RSA 178:12
21 by inserting after paragraph VIII the following new paragraphs:

22 IX. The holder of a beverage manufacturer license may act as a host brewer for one or more
23 tenant brewers licensed under RSA 178:12-b.

24 X. The holder of a beverage manufacturer license may be issued a tenant brewer license
25 under RSA 178:12-b if the licensee meets the requirements of RSA 178:12-b. Beer or specialty beer
26 produced or packaged by a beverage manufacturer as a tenant brewer at a host brewer facility shall
27 be included in the production and sales limits in subparagraph IV(b).

28 200:6 Nano Brewery License; Tenant Brewing. Amend RSA 178:12-a, II(a) to read as follows:

CHAPTER 200
SB 310-FN – FINAL VERSION
- Page 2 -

1 (a) No beverage or liquor shall be served or consumed on the premises except that which
2 is manufactured by the licensee on the premises *or manufactured by the licensee at a host*
3 *brewer facility*.

4 200:7 Nano Brewery License; Tenant Brewing. Amend RSA 178:12-a, VI(a) to read as follows:

5 (a) No beverage or liquor shall be served or consumed on the premises except that which
6 is manufactured by the licensee on the premises *or manufactured by the licensee at a host*
7 *brewer facility*.

8 200:8 New Paragraph; Nano Brewery License; Tenant Brewing. Amend RSA 178:12-a by
9 inserting after paragraph VI the following new paragraph:

10 VII. A nano brewery licensee may be issued a tenant brewer license under RSA 178:12-b if
11 the licensee meets the requirements of RSA 178:12-b. Beer or specialty beer produced or packaged
12 by nano brewery licensee as a tenant brewer at a host brewer facility shall be included in the
13 production limit in paragraph I.

14 200:9 New Section; Tenant Brewer License. Amend RSA 178 by inserting after section 12-a the
15 following new section:

16 178:12-b Tenant Brewer License.

17 I. A holder of tenant brewer license may produce or package beer or specialty beer on the
18 premises of a host brewer licensed under RSA 178:12.

19 II. A holder of a tenant brewer license may transport in bulk beer or specialty beer produced
20 on the tenant brewer's premises to a host brewer for the purpose of packaging that beer or specialty
21 beer on the host brewer's premises.

22 III. To be eligible for a tenant brewer license, the applicant shall have a brewer's notice
23 approved by the United States Department of the Treasury Alcohol and Tobacco Tax and Trade
24 Bureau allowing the person to use the facilities, equipment, and employees of a host brewer.

25 IV. A tenant brewer is subject to the same requirements regarding production of beer or
26 specialty beer as if the brewer conducted its manufacturing on its own premises independently.

27 V. The commission may require a tenant brewer to maintain a record or log indicating which
28 equipment is being used at any time by the tenant brewer in the production of beer or specialty beer
29 and which employees are working on production of the tenant brewer's product.

30 VI. A tenant brewer is subject to the same reporting requirements as a beverage
31 manufacturer licensed under RSA 178:12.

32 VII. The annual fee for each license issued under this section shall be \$240.

33 200:10 Brew Pub License; Tenant Brewing. Amend RSA 178:13, II to read as follows:

34 II. A brew pub licensee may sell beer manufactured on the premises *or manufactured by*
35 *the licensee at a host brewer facility* to individuals for on-premises and off-premises consumption
36 and to New Hampshire licensed retailers and wholesalers. A brew pub shall maintain a full service

CHAPTER 200
SB 310-FN – FINAL VERSION
- Page 3 -

1 restaurant and may subsequently serve beverage and liquor as permitted by RSA 178:21, II(a)(1),
2 RSA 178:22, V(e)(2), and RSA 178:22, V(q).

3 200:11 New Paragraph; Brew Pub License; Tenant Brewing. Amend RSA 178:13 by inserting
4 after paragraph VI the following new paragraph:

5 VII. A brew pub licensee may be issued a tenant brewer license under RSA 178:12-b if the
6 licensee meets the requirements of RSA 178:12-b. Beer or specialty beer produced or packaged by a
7 brew pub licensee as a tenant brewer at a host brewer facility shall be included in the production
8 limit in paragraph I.

9 200:12 Effective Date. This act shall take effect July 1, 2014.

10
11 Approved: July 11, 2014

12 Effective Date: July 1, 2014