

HB 554-FN - AS AMENDED BY THE HOUSE

11Mar2015... 0599h

2015 SESSION

15-0681
03/08

HOUSE BILL **554-FN**

AN ACT relative to sales of beer in refillable containers.

SPONSORS: Rep. Williams, Hills 4; Rep. Potucek, Rock 6; Rep. S. Schmidt, Carr 6; Sen. Bradley, Dist 3

COMMITTEE: Commerce

ANALYSIS

This bill authorizes the sale of beer in refillable containers.

This bill was requested by commission to study the sale of beer in refillable containers established in RSA 176:19.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT relative to sales of beer in refillable containers.

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

1 1 New Paragraph; Standard Refillable Beer Container. Amend RSA 175:1 by inserting after
2 paragraph LXX the following new paragraph:

3 LXXI. "Standard refillable beer container" means a 64-ounce amber glass container meeting
4 the specifications established by the commission.

5 2 New Section; Refillable Beer Container Licenses. Amend RSA 178 by inserting after section
6 31 the following new section:

7 178:32 Refillable Beer Container Licenses.

8 I. An on-premises or off-premises licensee maintaining an inventory of at least 200 different
9 beer labels and paying an additional fee of \$240 shall be issued a refillable beer container license
10 authorizing the licensee to fill standard refillable containers in accordance with this section.

11 II. The licensee shall attend a training program approved by the commission within 45
12 calendar days of the training program's availability. The training program shall include instructions
13 in the sales, inspection, cleaning, and filling of standard refillable beer containers and sanitation
14 standards for tap lines and equipment.

15 III. Off-premises licensees shall comply with the following:

16 (a) The licensee shall designate an area of the premises where at least 3 filling stations
17 shall be permanently installed.

18 (b) The designated area shall be separated from customers by a counter or other barrier.

19 (c) Containers may only be filled by the licensee and the licensee's employees.

20 IV. If the commission notifies the licensee that a manufacturer objects to sales of its
21 products in refillable containers, the licensee shall not fill any container with beer manufactured by
22 that manufacturer.

23 V. The licensee may fill only standard refillable beer containers and only during hours
24 established by the commission in rules adopted pursuant to RSA 541-A. The licensee shall comply
25 with sanitation standards for tap lines and containers, if established by the commission in rules.

26 VI. An open-evident seal or closed package shall be applied by the licensee to the standard
27 refillable beer container after filling.

28 3 New Paragraph; Standard Refillable Beer Container. Amend RSA 179:33 by inserting after
29 paragraph I the following new paragraph:

30 I-a. The commission shall establish specifications for standard refillable beer containers.

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1 Specifications shall include:

2 (a) Placement of a rectangular label of indelible white material so that the product and
3 the licensee making the fill may be identified with erasable marker.

4 (b) Placement of a label containing alcohol consumption warnings, cleaning instructions,
5 a New Hampshire logo design, and information to help locate New Hampshire brewers.

6 4 Effective Date. This act shall take effect 60 days after its passage.

HB 554-FN FISCAL NOTE

AN ACT relative to sales of beer in refillable containers.

FISCAL IMPACT:

The Liquor Commission states this bill, **as amended by the House (Amendment #2015-0559h)**, will increase state revenue by an indeterminable amount in FY 2016 and each year thereafter, and may increase state expenditures by \$105,565 in FY 2016, \$81,258 in FY 2017, \$84,498 in FY 2018, and \$88,011 in FY 2019. There will be no impact on county and local revenue or expenditures.

METHODOLOGY:

The Liquor Commission states this bill allows for additional licensing permitting the sale of beer in refillable containers. Additionally, this bill requires licensees to participate in a Commission provided or approved training program, requires the Commission to notify licensees in the event manufacturers object to the sale of their products in refillable containers, and requires the Commission to establish hours of operation for the sale of beer in refillable containers and specifications for standard refillable containers. The Commission notes the proposed legislation specifies licensees desiring to sell beer in refillable containers must maintain an inventory of at least 200 different beer products and pay a fee of \$240 for the additional license. The Commission does not have information necessary to estimate the number of current licensees who in addition to meeting minimum inventory requirements, would desire to obtain the additional license permitting the sale of beer in refillable containers. Accordingly, the Commission is unable to estimate to what extent the passage of the proposed legislation would increase state revenues. Although the bill does not contain an appropriation or establish a position, the Commission states it will need one additional Liquor Examiner II position to absorb the projected workload associated with this bill because current liquor examiners will not have the capacity to do so. The Commission's estimates are as follows -

	FY 2016	FY 2017	FY 2018	FY 2019
Salary (LG 20, step 1)	\$41,080	\$42,848	\$44,595	\$46,509
Benefits	\$24,985	\$26,410	\$27,903	\$29,502
Current Expenses	\$3,000	\$3,000	\$3,000	\$3,000
Equipment	\$28,000	\$500	\$500	\$500
Travel	\$5,000	\$5,000	\$5,000	\$5,000
Professional Development	\$3,500	\$3,500	\$3,500	\$3,500

Training & Overtime				
Total	\$105,565	\$81,258	\$84,498	\$88,011