

HB 279-FN - AS INTRODUCED

2023 SESSION

23-0004

08/04

HOUSE BILL ***279-FN***

AN ACT increasing the penalty for on-premises licensees overserving alcohol.

SPONSORS: Rep. Mooney, Hills. 12; Rep. Adjutant, Graf. 16; Rep. M. Cahill, Rock. 10; Rep. Dutzy, Hills. 6

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill increases the penalty for on-premises licensees overserving alcohol.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT increasing the penalty for on-premises licensees overserving alcohol.

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

1 1 Short Title. This act shall be known as the "Elizabeth Croke Law."

2 2 New Paragraph; Prohibited Sales; Serving of Intoxicated Persons; Penalties In Cases of Injury
3 or Death. Amend RSA 179:5 by inserting after paragraph I the following new paragraph:

4 I-a. An on-premises licensee that violates paragraph I by serving an individual who is
5 visibly intoxicated or who a reasonable and prudent person would know is intoxicated, and such
6 intoxicated person directly causes the serious injury or death of another person or persons, shall be
7 fined \$7,500 and shall have such license suspended for up to 30 days. If the licensee closes due to
8 the license suspension, the licensee shall post the following message on the doors of the premises
9 and on the public Internet website, if applicable, "Closed due to mandatory suspension by the New
10 Hampshire Liquor Commission for overserving of alcohol in accordance with RSA 179:5."

11 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 279-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT increasing the penalty for on-premises licensees overserving alcohol.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	<input checked="" type="checkbox"/> General Fund <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Liquor			

METHODOLOGY:

This bill increases the penalty for on-premises licensees overserving alcohol. The Liquor Commission indicates it is not able to forecast how many overserving incidents may occur and cannot predict how much additional revenue may be generated from the \$7,500 fine. Existing Commission rules provide for a fine of \$2,500 and a 10-day suspension for a first offense, \$5,000 and a suspension of 30-60 days for a second offense, and license revocation for a third offense.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Liquor Commission