

HB 176 - AS INTRODUCED

2021 SESSION

21-0160

08/04

HOUSE BILL **176**

AN ACT allowing beverages, wine, and mixed drinks to be sold for take out and delivery by restaurants holding an on-premises license.

SPONSORS: Rep. McWilliams, Merr. 27; Rep. Yokela, Rock. 33; Rep. Acton, Rock. 10; Sen. French, Dist 7; Sen. Cavanaugh, Dist 16

COMMITTEE: Commerce and Consumer Affairs

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ANALYSIS

This bill allows beverages, wine, and mixed drinks to be sold for take out and delivery by restaurants holding an on-premises license.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT allowing beverages, wine, and mixed drinks to be sold for take out and delivery by restaurants holding an on-premises license.

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

1 1 New Section; Sale for Off-Premises Consumption; Beverages, Wine, and Mixed Drinks.

2 Amend RSA 178 by inserting after section 21 the following new section:

3 178:21-a Sale for Off-Premises Consumption; Beverages, Wine, and Mixed Drinks.

4 I. Any holder of an on-premises license under RSA 178 may sell beverages, wine, and mixed  
5 drinks composed of distilled spirits and mixers for off-premises consumption provided that:

6 (a) The beverage, wine, or mixed drink is sold in a sealed container.

7 (b) The beverage, wine, or mixed drink is sold in the same proportion as if it were sold  
8 for on-premises consumption.

9 (c) No beverage, wine, or mixed drink shall be sold to a person under 21 years of age and  
10 any delivery of beverages, wine, or mixed drinks to a person for off-premises consumption shall not  
11 be made without verification that the person receiving the order has attained 21 years of age.

12 (d) The beverage, wine, or mixed drink shall be sold within the same transaction as the  
13 purchase of food provided, however, that any order that includes beverages, wine, or mixed drinks  
14 shall be placed no later than the hour until the establishment is licensed to sell alcohol or 12:00 a.m.,  
15 whichever is earlier.

16 (e) A customer shall be limited to:

17 (1) Not more than 2 drinks per entree and not more than 192 ounces of beverages or  
18 wine shall be included per transaction.

19 (2) Not more than 2 mixed drinks per entrée ordered and not more than 64 fluid  
20 ounces of mixed drinks shall be included per transaction.

21 (f) If the beverage, wine, or mixed drink in a sealed container is to be transported by a  
22 motor vehicle, either by delivery or pickup, the driver of the motor vehicle shall transport the  
23 beverage, wine, or mixed drink in compliance with RSA 265-A:44.

24 II. In this section, "sealed container" means a packaged container with a secure lid or cap  
25 designed to prevent consumption without removal of the lid or cap; provided, however, if the  
26 packaged container has a lid with sipping holes or an opening for straws, the container shall be  
27 covered or affixed with an additional seal; provided further, that the lid, cap or seal shall be affixed  
28 in such a way as to prevent reopening without it being obvious that the lid, cap, or seal was removed  
29 or broken; and provided further, that affixing the cap may be completed by the use of tape or other  
30 sticking adhesive before sale.

1           2 Effective Date. This act shall take effect upon its passage.