# Bill as Introduced

SB 310-FN – AS INTRODUCED

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

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178:12-b Tenant Brewer License.

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

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

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

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

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

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

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

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

II. A brew pub licensee may sell beer manufactured on the premises ***or manufactured by the licensee at a host brewer facility*** to individuals for on-premises and off-premises consumption and to New Hampshire licensed retailers and wholesalers. A brew pub shall maintain a full service restaurant and may subsequently serve beverage and liquor as permitted by RSA 178:21, II(a)(1), RSA 178:22, V(e)(2), and RSA 178:22, V(q).

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

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

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

LBAO
14-2726
12/04/13

# SB 310-FN – FISCAL NOTE

AN ACT authorizing tenant brewing.

## FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, **as introduced**, has a total fiscal impact of less than $10,000 in each of the fiscal years 2014 through 2018.

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

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

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

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

178:12-b Tenant Brewer License.

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

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

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

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

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

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

# Committee Minutes

Printed: 01/08/2014 at 1:24 pm

# SENATE CALENDAR NOTICE
## COMMERCE

Senator Andy Sanborn Chairman
Senator Jeb Bradley V Chairman
Senator Sam Cataldo
Senator Andrew Hosmer
Senator David Pierce

For Use by Senate Clerk's Office ONLY
☐ Bill Status
☐ Docket
☐ Calendar
Proof: ☐ Calendar ☐ Bill Status

**Date: January 8, 2014**

## HEARINGS

**Thursday** **1/16/2014**

| COMMERCE | LOB 101 | 1:00 PM |
|---|---|---|
| (Name of Committee) | (Place) | (Time) |

## EXECUTIVE SESSION MAY FOLLOW

| | | |
|---|---|---|
| 1:00 PM | SB346 | relative to rectifiers. |
| 1:15 PM | SB257 | relative to retail beer sales. |
| 1:30 PM | SB310-FN | authorizing tenant brewing. |
| 1:45 PM | SB329-FN | relative to advertising alcoholic beverages on billboards. |
| 2:15 PM | SB305 | relative to licensure of motor vehicle dealers. |

**Sponsors:**

**SB346**
Sen. Andy Sanborn | Rep. Emily Sandblade | Rep. Adam Schroadter

**SB257**
Sen. Jeb Bradley | Rep. Stephen Schmidt | Sen. Andrew Hosmer | Sen. Sam Cataldo
Sen. Sharon Carson | Rep. Harry Merrow | Sen. John Reagan | Sen. David Watters

**SB310-FN**
Sen. Nancy Stiles | Sen. Jeff Woodburn | Sen. Jeb Bradley | Sen. Martha Fuller Clark
Rep. Jack Flanagan | Rep. J. Tracy Emerick | Rep. Donna Schlachman | Rep. Jacqueline Cali-Pitts
Rep. Brian Wazlaw | Sen. David Boutin | Sen. Sharon Carson | Sen. Sam Cataldo
Sen. Peggy Gilmour | Sen. Sylvia Larsen | Sen. Bob Odell | Sen. Jim Rausch
Sen. John Reagan | Sen. David Watters

**SB329-FN**
Sen. Donna Soucy | Sen. Jeff Woodburn | Sen. Peggy Gilmour | Sen. David Boutin
Sen. Andrew Hosmer | Rep. Edward Butler | Rep. Gene Chandler | Rep. Adam Schroadter
Rep. Brian Rhodes | Rep. David Campbell

**SB305**
Sen. Andrew Hosmer | Sen. David Watters | Sen. Bette Lasky

Patrick Murphy 271-8631

Sen. Andy Sanborn
Chairman

# SENATE COMMERCE COMMITTEE

*Patrick Murphy, Legislative Aide*

**SB 310-FN Authorizing tenant brewing.**

**Hearing Date:** January 16, 2014

**Time Opened:** 2:23 p.m. **Time Closed:** 2:43 p.m.

**Members of the Committee Present:**
Senator Sanborn, Senator Cataldo, Senator Hosmer, Senator Pierce

**Members of the Committee Absent:** Senator Bradley

**Bill Analysis:** This bill establishes a tenant brewer license authorizing the holder to enter into a partnership with a beverage manufacturer to produce or package beer or specialty beer.

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**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

**Who supports the bill:** Senator Stiles, Dist 24; Senator Boutin, Dist 16; Senator Carson, Dist 14; Senator Rausch, Dist 19; Senator Stiles, Dist 24; Senator Gilmour, Dist 12; Senator Fuller Clark, Dist 21; Rep. Schroadter, Rock 17; Rep. Muns, Rock 21; Rep. Schlachman, Rock 18; Peter Egelston, Smuttynose Brewing Company; John Thompson, Smuttynose Brewing Company; David Currier, Granite State Brewers Association; James Wilson, NH Liquor Commission; Scott Schaier, Beer Distributors of NH Association

**Who opposes the bill:** None

**Summary of testimony presented in support:**
Senator Stiles, Dist 24
- This bill establishes a tenant brewer license authorizing the holder to enter into a partnership with a beverage manufacturer to produce or package beer or specialty beer.
- Introduced at the request of Smuttynose Brewing Company, but this would be good for the entire industry.

Senator Fuller Clark, Dist 21
- Maine has a similar statue. This would allow partnerships to be formed within the industry.

Peter Egelston, Smuttynose Brewing Company
- This was introduced on our behalf. It may look complicated but it's really not. We are investing a lot of capital in our facility and want to get the best use out of our physical plant.

- With current law, if something isn't specifically permitted, then it's not allowed. This will codify a practice that the federal government currently allows and something that is taking place in other states.
- Other NH brewers want to bottle their product at our facility. This bill deals specifically with manufacturers and how they deal with each other.

Jim Wilson, NH Liquor Commission
- Supports with a couple of notes.
- This proposes a license fee of $249. In Maine the fee is $1,000.
- The Liquor Commission would need to hire an auditor to work specifically on this issue. So the Commission would be looking for an appropriation for that position.

David Currier, Granite State Brewers Association
- Supports 100%

**Summary of testimony presented in opposition**: None

**Fiscal Note**:
**FISCAL IMPACT:**
The Legislative Budget Assistant has determined that this legislation, **as introduced**, has a total fiscal impact of less than $10,000 in each of the fiscal years 2014 through 2018.

**Future Action**: Pending

# Speakers

# Senate Commerce Committee: Sign-In Sheet

Date: January 16, 2014 Time: 1:30 p.m. Public Hearing on SB 310-FN

SB 310-FN Authorizing tenant brewing.

| Name | Representing | | | | | |
|---|---|---|---|---|---|---|
| SEN. DAVID BOUTIN | DISTRICT #16 | Support ☑ | Oppose ☐ | Speaking? | Yes ☐ | No ☑ |
| SENATOR SHARON CARSON | SD #14 | Support ☒ | Oppose ☐ | Speaking? | Yes ☐ | No ☒ |
| Senator Jim Rausch | District #19 | Support ☒ | Oppose ☐ | Speaking? | Yes ☐ | No ☒ |
| Sen. Stiles | SD 24 | Support ☑ | Oppose ☐ | Speaking? | Yes ☑ | No ☐ |
| Sen. Gilmour | SD #2 | Support ☑ | Oppose ☐ | Speaking? | Yes ☐ | No ☑ |
| Peter Egelston | Smuttynose Brewing Company | Support ☒ | Oppose ☐ | Speaking? | Yes ☒ | No ☐ |
| John Thompson | Smuttynose Brewing Company | Support ☒ | Oppose ☐ | Speaking? | Yes ☐ | No ☒ |
| David P. Cerrier | Granite State Brewers Assn | Support ☑ | Oppose ☐ | Speaking? | Yes ☑ | No ☐ |
| James Wilson | NH Liquor Commission | Support ☒ | Oppose ☐ | Speaking? | Yes ☒ | No ☐ |
| Scott Schaier | Beer Distributors of NH (Association) | Support ☒ | Oppose ☐ | Speaking? | Yes ☐ | No ☒ |
| Rep. Adam Schroadter | Rock 17 | Support ☒ | Oppose ☐ | Speaking? | Yes ☐ | No ☒ |
| Sen. Martha Fuller Clark | Dist 21 | Support ☒ | Oppose ☐ | Speaking? | Yes ☒ | No ☐ |
| REP CHRIS MUNS | ROCKINGHAM 21 | Support ☒ | Oppose ☐ | Speaking? | Yes ☐ | No ☒ |
| Rep. Donna Schlachman | Rockingham 18 | Support ☒ | Oppose ☐ | Speaking? | Yes ☐ | No ☒ |

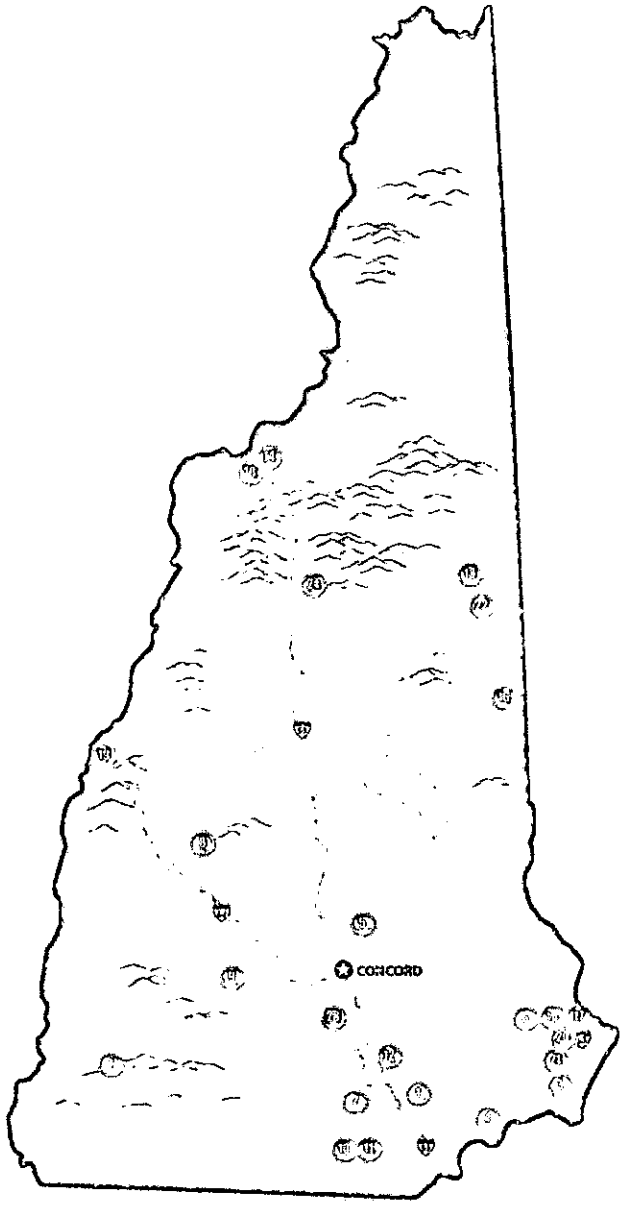
# Testimony

# NEW HAMPSHIRE'S BREWERY MAP

The Granite State is home to some of the best breweries in New England. New Hampshire's Brewery Map highlights the excellence and inspired diversity of fresh, handcrafted, New Hampshire-made beer. Follow along to find a wide range of award-winning breweries, micro-breweries and brew-pubs throughout the state. Each establishment offers a unique experience for you, your family and friends. Enjoy!






Inset cover images (front): Left: Seven Barrel Brewery, Right: Woodstock Inn Brewery, (back, L to R): Elm City Brewing Company, Anheuser-Busch Brewery, Canterbury Aleworks

## What's the difference between a brewery, micro-brewery, and brew-pub?

A ***brewery*** is a building or establishment for brewing beer or other malt liquors, especially the building where the brewing is done.

A ***micro-brewery*** is a brewery producing less than 15,000 barrels per year and usually concentrating on exotic or high quality beer.

A ***brew-pub*** is a commercial establishment that brews its own beer for sales on and off the premises and is typically combined with a restaurant.

1. **603 Brewery** – Londonderry
2. **Anheuser-Busch Brewery** – Merrimack
3. **Blue Lobster Brewing Company** – Hampton
4. **Border Brewery** – Salem
5. **Canterbury Aleworks** – Canterbury
6. **Earth Eagle Brewings** – Portsmouth
7. **Elm City Brewing Company** – Keene
8. **The Flying Goose Brew Pub & Grille** – New London
9. **Henniker Brewery Company** – Henniker
10. **IncrediBREW** – Nashua
11. **Martha's Exchange Restaurant & Brewing Company** – Nashua
12. **Milly's Tavern** – Manchester
13. **Moat Mountain Smoke House & Brewing Company** – North Conway
14. **Oasis Restaurant & Brewery** – Littleton
15. **The Portsmouth Brewery** – Portsmouth
16. **The Prodigal Brewery** – Effingham
17. **Redhook Ale Brewery** – Portsmouth
18. **Schilling Beer Co.** – Littleton
19. **Seven Barrel Brewery** – West Lebanon
20. **Smuttynose Brewing Company** – Portsmouth
21. **Throwback Brewery** – North Hampton
22. **Tuckerman Brewing Company** – Conway
23. **White Birch Brewing** – Hooksett
24. **Woodstock Inn Brewery** – North Woodstock

# Committee Report

# STATE OF NEW HAMPSHIRE

# SENATE

# REPORT OF THE COMMITTEE

Date: January 30, 2014

THE COMMITTEE ON Commerce

to which was referred Senate Bill 310-FN

AN ACT authorizing tenant brewing.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF: 5-0

Senator Andrew J. Hosmer
For the Committee

Patrick Murphy 271-8631

**New Hampshire General Court - Bill Status System**

# Docket of SB310

Docket Abbreviations

**Bill Title:** authorizing tenant brewing.

*Official Docket of* **SB310**:

| Date | Body | Description |
|---|---|---|
| 12/17/2013 | S | **Introduced** 1/8/2014 and Referred to Commerce |
| 1/8/2014 | S | Hearing: 1/16/2014, Room 101, LOB, 1:30 p.m.; **SC2** |
| 1/30/2014 | S | Committee Report: Ought to Pass, 2/6/14; **SC5** |
| 2/6/2014 | S | **Ought to Pass**: MA, VV; OT3rdg |
| 3/13/2014 | H | Introduced and Referred to Commerce and Consumer Affairs |
| 3/25/2014 | H | Public Hearing: 4/1/2014 2:15 PM LOB 302 |
| 4/2/2014 | H | Subcommittee Work Session: 4/10/2014 1:00 PM LOB 302 |
| 4/8/2014 | H | ===CANCELLED=== Work Session: 4/10/2014 1:00 PM LOB 302 |
| 4/8/2014 | H | Subcommittee Work Session: 4/9/2014 3:00 PM LOB 302 |
| 4/16/2014 | H | Executive Session: 4/22/2014 1:00 PM LOB 302 |
| 4/24/2014 | H | Committee Report: Ought to Pass (Vote 17-0; CC); **HC 32** |
| 4/30/2014 | H | **Ought to Pass**: MA VV |
| 4/30/2014 | H | Third Reading MA Div, 184-155 |
| 4/30/2014 | H | Reconsideration Third Reading (Rep Lambert) MF **RC** 133-202 |
| 5/7/2014 | H | Enrolled Bill Amendment #1805eba Adopted, VV |
| 5/8/2014 | S | Enrolled Bill Amendment **#2014-1805e** Adopted, VV |

| NH House | NH Senate |
|---|---|

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB 310 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

✓ DOCKET (Submit only the latest docket found in Bill Status)

✓ COMMITTEE REPORT

✓ CALENDAR NOTICE

✓ HEARING REPORT

✓ HANDOUTS FROM THE PUBLIC HEARING

✓ PREPARED TESTIMONY AND OTHER SUBMISSIONS

✓ SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____

____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

✓ AS INTRODUCED ____ AS AMENDED BY THE HOUSE

✓ FINAL VERSION ____ AS AMENDED BY THE SENATE

✓ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 6-23-14 _____

BY COMMITTEE AIDE

Revised 2011