

Amendment to SB 79-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 New Section; Self-Automated Pour Systems. Amend RSA 178 by inserting after section 22 the
4 following new section:

5 178:22-a Self-Automated Pour Systems.

6 I. In this section:

7 (a) "Automated system" means a mechanized device capable of dispensing alcoholic
8 beverages in a predetermined amount directly to an employee of the licensee or a patron when an
9 RFID device activates the mechanized device.

10 (b) "Licensee" means a holder of an on-premises license under RSA 178:20, RSA 178:20-
11 a, RSA 178:21, or RSA 178:22.

12 (c) "Quantity limit" means 32 ounces of beverage or 32 ounces of cider not exceeding 6
13 percent alcohol by volume, or 10 ounces of wine.

14 (d) "Radio frequency identification device" or "RFID device" means a card, wristband, or
15 other item that uses electromagnetic fields, ultra-high frequency radio waves, or other similar
16 technology that automatically and uniquely identifies the user of the device.

17 II. Automated systems may be used by a licensee under the following conditions:

18 (a) A licensee may offer self-service of beverage or cider not exceeding 6 percent alcohol
19 by volume, or wine from an automated system on the premises of the licensee.

20 (b) No licensee shall allow an automated system to be used by patrons without first
21 providing notification to the liquor commission of the licensee's intent to use an automated system.

22 (c) The sale of the alcoholic beverage through the automated system shall be deemed to
23 occur between the licensee and the patron.

24 (d) Every licensee offering a patron self-service through an automated system shall
25 maintain constant video monitoring of the automated system at all times during which the licensee
26 is open to the public. The licensee shall keep recorded footage from the video monitoring for at least
27 60 days and shall provide the footage, upon request, to the commission or any authorized law
28 enforcement agent.

29 (e) A licensee shall offer to a patron who prepays for an RFID device a prorated refund if
30 the patron does not serve himself or herself the full allowable amount of beverage, cider, or wine
31 from the automated system.

32 III. Automated systems shall have the following requirements:

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1 (a) The automated system shall only be accessible by an activated RFID device that an
2 employee or patron receives from the licensee or the licensee's designee. Each time a patron
3 activates or reactivates the RFID device, the automated system may dispense to the patron an
4 amount up to the quantity limit. The full amount of the quantity limit need not be served at once.
5 No more than the quantity limit shall be served per each activation of the RFID device.

6 (b) No beverage, cider, or wine shall be sold, served, or dispensed from an automated
7 system unless the brand name of the beverage, cider or wine manufacturer's product corresponding
8 to the container from the beverage is drawn is affixed or imprinted on a card, sign, plate, button,
9 screen, or key of the dispensing spigot or nozzle. The automated system shall prohibit the
10 intermixing of alcoholic beverages of different brands or labels while dispensing.

11 (c) The automated system shall not dispense from or utilize a container other than the
12 original container as received from the manufacturer or wholesaler.

13 (d) No automated system shall allow beverage, cider, or wine to flow through copper or
14 lead tubing unless such tubing is isolated so that the alcoholic beverage does not come in direct
15 contact with the copper or the lead.

16 (e) The automated system shall be located in the main portion of the dining room or
17 cocktail lounge in an area that is constantly monitored by the licensee and visible to the public.

18 IV. RFID devices shall have the following requirements:

19 (a) An RFID device shall be automatically deactivated and rendered unusable by a
20 patron if it:

21 (1) No longer contains a volume credit or monetary credit; or

22 (2) Has been used to dispense the quantity limit.

23 (b) The automated system shall prohibit a patron from obtaining different types of
24 alcoholic beverage during the same activation. For the purposes of this section the types of alcoholic
25 beverage are beverage, cider, or wine.

26 (c) The licensee shall maintain the ability to activate and deactivate all RFID devices at
27 any time, and shall store the devices in a secure location that is not freely and readily accessible to
28 patrons.

29 (d) Each RFID device shall only be used during the hours that the licensee is allowed to
30 serve alcoholic beverages according to its license under this chapter. All RFID devices shall be
31 deactivated upon the conclusion of legal service hours or when the premises closes, whichever occurs
32 first.

33 V. In order to access the automated system:

34 (a) An employee or patron shall obtain or activate an RFID device from the licensee or
35 the licensee's designee. A licensee or the licensee's designee shall not issue more than one active
36 RFID device to an employee or patron at any given time and shall ensure that the employee and
37 patron do not share the RFID device with another person.

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1 (b) Before allowing a patron to use an RFID device, the licensee or the licensee's
2 designee shall verify that the patron is 21 years of age or older based upon a government-issued
3 identification card with a name that matches the patron's debit card, credit card, or mobile payment
4 application. The licensee or the licensee's designee shall record such verification of the patron's age
5 in a print or digital log that shall be kept upon the licensee's premises for a period of 3 years from
6 the date of the last entry and shall be available at all times that the premises is open for inspection
7 by the commission and any authorized law enforcement agent. Such log may be kept off the
8 licensee's premises but only with the approval of the commission.

9 (c) The licensee shall not allow an intoxicated patron to access the automated system.

10 (d) Any patron in possession of an inactive RFID device may, upon production of the
11 patron's valid identification, have the RFID device reactivated a second time and subsequent times
12 to allow another service of an amount up to the quantity limit. The licensee shall not reactivate the
13 RFID device until the patron's first serving is substantially disposed of or consumed.

14 VI.(a) Beverage, cider, or wine pipe lines, barrel tubes, coils and other appurtenances used
15 for the dispensing of alcoholic beverages through an automated system shall be cleaned at least once
16 a week by the use of a hydraulic pressure mechanism, hand pump suction, or a force clear, or other
17 substantially similar system. After cleaning, the lines and tubes shall be rinsed with clear water
18 until all chemicals, if any have been used, have been removed. A print or digital record card shall be
19 used to record the dates of cleaning. Such card shall be signed by the person who performs the
20 cleaning and countersigned by the licensee. Such card shall be kept upon the licensee's premises for
21 a period of one year from the date of the last entry and shall be available at all times that the
22 premises is open for inspection by the commission and any authorized law enforcement agent.

23 (b) At least once every 30 calendar days, a licensee shall calibrate the automated system
24 to ensure that each ounce of liquid registered by the system is precisely one ounce of liquid poured.
25 A print or digital record card shall be used to record the dates of calibration. Such card shall be
26 signed by the person who performs the calibration and counter signed by the licensee. Such card
27 shall be kept upon the licensee's premises for a period of one year from the date of the last entry and
28 shall be available at all times that the premises is open for inspection by the commission and any
29 authorized law enforcement agent.

30 VII. The commissioner shall adopt rules under RSA 541-A relative to maximum dollar sales
31 and the maximum number of ounces that may be sold to a patron.