

Senate Commerce Committee

Aaron Jones 271-2609

SB 524, enabling on-premises licensees to deliver liquor to customers who order a meal for home delivery.

Hearing Date: January 13, 2026

Time Opened: 9:46 a.m. **Time Closed:** 10:21 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, McGough, Fenton and Reardon

Members of the Committee Absent : Senator Murphy

Bill Analysis: This bill enables on-premises licenses to deliver liquor to customers who order a meal for home delivery.

Sponsors:

Sen. McGough	Sen. Innis	Sen. Lang
Sen. Fenton	Sen. Pearl	Sen. Gannon
Rep. B. Boyd	Rep. Hunt	Rep. Potucek
Rep. Presa	Rep. Miles	

Who supports the bill: Senator Tim McGough, Senator Howard Pearl, Senator Daniel Innis, Representative Julie Miles, Mike Somers (NH Lodging & Restaurant Association), Drew Cline (Josiah Bartlett Center), Sarah Scott (AFP-NH), Jennifer Haines (NH Brewers Association)

Who opposes the bill: Kate Frey (New Futures), Chief Pat Sullivan (NH Association of Chiefs of Police), Sheriff Bill Wright (NH Sheriff's Association), Sarah McCarthy, Kent Hackmann, Michaela Janowski

Who is neutral on the bill: Mark Armaganian (NH Liquor Commission), Matthew Culver (NH Liquor Commission)

Summary of testimony presented in support:

Senator Tim McGough

- This bill would allow individuals to have an option to take their cocktail home with them.
- Senator McGough said the House took up a similar issue, and they passed language that he felt was better. The House adopted RSA 178:21, which is relative to the restaurant delivery license.

- This bill would define the process, and it would establish a licensing fee in addition to the on-premises license that the dispenser has. While it should be a privilege to offer takeout beverages or delivery, Senator McGough was not sure they needed a separate license.
- This bill limited wine to being transported in their original containers. Senator McGough said he did not see a reason why a glass of wine could not be packaged in a similar fashion as a mixed spirits cocktail.
- This bill would provide additional revenue, while also allowing beverages to be packaged more safely in the hopes of keeping impaired drivers off the road.
- **Senator Ricciardi** asked if it is required that an individual show they are of age to drink when alcohol is delivered.
 - **Senator McGough** believed similar to the home delivery of shipped alcohol, an adult signature was always required.
- **Senator Fenton** asked if other states did this, and if they had any issues on food delivery services like DoorDash.
 - **Senator McGough** replied no, it would be the same. In Boston, for instance, an individual can DoorDash a full liquor order from a liquor store.

Mike Somers, President and CEO, New Hampshire Lodging and Restaurant Association

- Similar practices are already allowed in at least 37 states.
- To receive a product, there must be a signed receipt from somebody who has been verified to be 21 years or older. In a restaurant setting, their identification would be checked.
- Originally, this bill had been filed as a carryover from the House Commerce Committee. Since its introduction, however, HB 529-FN underwent substantial changes.
- Liquor Enforcement suggested instead of placing mixed drinks to go in the statute related to the transportation of beer and wine, a separate license should be created. Essentially, a license would be created for mixed drinks, beer, and wine to be available for takeout and delivery. A licensing fee was added to enable Liquor Enforcement to track who was engaging in this activity.
- Currently, if a restaurant closes their business for a private party, it is in violation of the definition of a restaurant and their license. This issue would be fixed by the language contained within HB 529-FN.
- **Senator Reardon** said she was under the impression that restaurant employees would be delivering, not DoorDash.
 - **Mr. Somers** said that was correct, only W-2 employees could make deliveries. This ensured there was a clear chain of custody from the restaurant, the employee that delivered it, and the person who signed it.

Drew Cline, President, Josiah Bartlett Center

- During the COVID pandemic, New Hampshire took a “wait and see approach” while other states allowed takeout cocktails.
- Concerns have been raised about to go containers, but Mr. Cline said Home Depot sells \$79 boba tea cup sealers. In Maine, for example, some bars can or bottle their own to go cans.
- The R Street Institute examined drunk driving fatalities from 2019 to 2020 when cocktails to go saw a surge in popularity.
 - States that prohibited the delivery of alcohol from restaurants and bars saw impaired driving fatality rates rise by 17.8 percent. When taking into consideration all licensees, not just restaurants, states that did not allow the delivery of alcohol saw their fatality rates rise by 53.6 percent.
 - In contrast, states that allowed delivery of alcohol had a fatality rate of 14.4 percent, or 12.5 percent when taking into consideration all licensees.
 - Mr. Cline said the divergence is unknown; however, it could be related to establishments forcing individuals to stay longer which results in higher rates.
- New Hampshire has experienced a high rate of bar and restaurant closures. In states where deliveries are allowed, restaurant and bar owners have said it has contributed to their bottom line anywhere between 1 percent to 30 percent depending on the season, month, and types of drinks offered.
- New Hampshire is the only state in New England that does not allow cocktails to go.
- Mr. Cline said from a tourism and workforce perspective, this is one minor issue that makes it a harder sell for young individuals to stay here.

Sarah Scott, Deputy State Director, Americans for Prosperity-New Hampshire

- This bill would remove unnecessary barriers, encourage innovation, and provide small businesses with the flexibility that they need to succeed.
- In New Hampshire, restaurants are facing economic constraints. Rising food costs and shortages have further impacted an industry that is already built on thin margins. Ms. Scott said allowing innovation and to go alcohol is essential for their survival.
- Prior to 2020, it was illegal for beer and wine to be available to go. Ms. Scott said this bill would build logically on this success without dismantling any safeguards or expanding alcohol access irresponsibly.
- Restaurants would be allowed to deliver alcohol with their food under clear and enforceable rules. This would be a voluntary program, and it would help to bring New Hampshire in alignment with its surrounding neighbors.

Summary of testimony presented in opposition:

Kate Frey, Vice President of Advocacy, New Futures

- When the delivery of alcohol was first considered, the Commission viewed it as a departure from the three-tier system.
- In 2022, New Futures worked with the Commission to receive a grant from the National Association of Beverage Control Administrators. Their public health advocates found there were 2,100 licensees who were eligible to participate, and only 37 had applied. As mentioned by the Commission, there was an initial 22 percent failure rate of alcohol being delivered to minors.
- Ms. Frey asked if there would be additional enforcement around this program if cocktails were added to ensure there would be no deliveries made to minors.
- Ms. Frey said they have worked with other states that have been challenged by similar laws. In some of these states, they have been unable to figure out how to properly seal products.

Neutral Information Presented:

Mark Armaganian, Chief of Liquor Enforcement and Licensing, and Lieutenant Matt Culver, Division of Enforcement and Licensing, New Hampshire Liquor Commission

- Chief Armaganian said the Commission has been willing to work with the Legislature on issues that progress the industry in a fair, equitable, and safe way.
- During COVID, Chief Armaganian said he was opposed to the delivery license for beverages and wine because there had been no consideration for integrity seals or other laws that were in place for the safety of drivers and consumers.
- Over time, however, data has shown there is little interest in this offering. Currently, only 39 licensees participate; therefore, Chief Armaganian did not believe this legislation would drastically alter the industry.
- Initially, the Commission was concerned about how to get an integrity seal on these products. Chief Armaganian said the containers, including growlers, cans, and crimped cans, shown to them were robust.
- For enforcement and investigative purposes, Chief Armaganian said they want to know what is inside a container.
- Chief Armaganian said there are signature requirements.
- The Commission has found that companies, such as Uber Eats and Grubhub, were not doing their due diligence in verifying age. They felt they could hold an establishment responsible if deliveries to underage children were made by a W-2 employee. Chief Armaganian said they have not received pushback on this provision.

- Lieutenant Culver said the language in HB 529-FN separated the restaurant delivery license language out of RSA 179:15. Under existing statute, the transportation of beverage and wine is RSA 179:15 whereas the transportation of liquor is RSA 175:6. Since adding liquor into the transportation of beverages and wine was confusing, the Commission felt placing it into RSA 178:21 was better because it covers all license types.
- HB 529-FN required products to be sealed and properly labeled to include the brand of the liquor used to make the beverage, the alcohol by volume, and the amount of liquor contained within the alcoholic beverage.
- **Senator McGough** asked if there have been a lot of problems with secondary delivery services.
 - **Lieutenant Culver** said 37 states have adopted the restaurant delivery license. States have begun to run into problems with third-party delivery systems like Uber Eats where sales are made to minors. With New Hampshire's licensing system, it would be difficult to incorporate because third-party entities are not licensees. When a non-licensee delivers to a consumer, it is difficult to hold them accountable. The original licensee also cannot be held accountable because they did not deliver or sell the product. The Commission, in conjunction with New Futures, conducted a restaurant delivery license compliance check program. The program was separated into several phases. First, a compliance check was conducted. Second, a training program was provided specifically to restaurant delivery licensees. Of the 27 licensees who participated, 6 sold to minors. The Commission trained those who failed, and all licensees were rechecked. When they were rechecked, there were 39 licensees participating and they had a 0 percent failure rate.
- **Senator McGough** asked how often this program would be taken advantage of if this bill were limited to a licensee with their own delivery personnel. It would be limiting if a licensee had to have a special delivery person for every order that had a takeout beverage in it. He asked if there was a way for the delivery agent to be responsible.
 - **Lieutenant Culver** said RSA 179:5 is specific on how alcohol is delivered, sold, or given away. There is no exception written into that statute for an agent of a licensee; instead, it only accounts for the licensee or a person. If there were a third-party delivery person, and they inadvertently or deliberately sold an alcoholic beverage to a minor, there would be no accountability on behalf of the licensee. In this instance, only the person who sold the alcohol could be criminally charged. Nationwide, most issues have been around third-party delivery.