

HB 276 - AS AMENDED BY THE HOUSE

26Mar2025... 1033h

2025 SESSION

25-0552

08/05

HOUSE BILL

276

AN ACT establishing a liquor license where beverages, wine, and liquor can be sold without food.

SPONSORS: Rep. Hemingway, Sull. 6

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill establishes a tavern license allowing the sale of beverages, wine, and liquor without the sale of food.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a liquor license where beverages, wine, and liquor can be sold without food.

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

1 1 New Paragraph; Definitions; Tavern License. Amend RSA 175:1 by inserting after paragraph
2 LXIV-cc the following new paragraph:

3 LXIV-ccc. "Tavern license" means an on-premise license in an enclosed place of business
4 kept, used, maintained, advertised, and held out to the public as a place operated for the purpose of
5 serving liquor and beverages without the benefit of food.

6 2 New Sections; Tavern License. Amend RSA 178 by inserting after section 22 the following
7 new sections:

8 178:22-a Tavern License.

9 I. The commission may issue a tavern license in any town which has voted to accept the
10 provisions of RSA 663:5, I(b), (c), and (d).

11 II. The license issued shall entitle the licensee to serve beverages or specialty beverages by
12 the glass, by the bottle with cap removed, or in any other suitable container, wines by the glass, by
13 the bottle with the cork or cap removed or in any other suitable container, or liquor by the glass or
14 other suitable container, as defined in rules adopted by the commission under RSA 541-A.

15 III. No person under the age of 21 shall be allowed in the tavern license premises.

16 IV. Except as provided in this paragraph, no beverages, specialty beverages, or liquor shall
17 be consumed in the licensed areas except those that are sold by the licensee.

18 V. No beverages, specialty beverages, or liquor shall be removed from the licensed premises
19 by patrons, except as provided by RSA 179:27-a.

20 178:22-b Local Option.

21 I. Any town or city may allow the operation of tavern licenses under RSA 178:21-a according
22 to the provisions of this subdivision, in the following manner:

23 (a) In a town, the question shall be placed on the warrant of an annual town meeting
24 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative
25 body may vote to place the question on the official ballot for any regular municipal election, or, in the
26 alternative, shall place the question on the official ballot for any regular municipal election upon
27 submission to the legislative body of a petition signed by 5 percent of the registered voters.

28 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
29 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the

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1 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
2 of general circulation at least 7 days before the hearing.

3 (c) The wording of the question shall be substantially as follows: "Shall we allow the
4 operation of Tavern Licenses as defined in RSA 178:22-a within the town or city?"

5 II. If a majority of those voting on the question vote "Yes," tavern licenses may be operated
6 within the town or city.

7 III. If the question is not approved, the question may later be voted upon according to the
8 provisions of paragraph I at the next annual town meeting or regular municipal election.

9 IV. A municipality that has voted to allow the operation of tavern licenses may consider
10 rescinding its action in the manner described in paragraph I of this section.

11 V. An unincorporated place may allow the operation of tavern licenses by majority vote of
12 the county delegation, after a public hearing is held.

13 3 Fees; Expiration Dates; Transfers; Tavern License Included. Amend RSA 178:29, I to read as
14 follows:

15 I. On-premises licensees shall pay the following applicable fees annually:

	Supplemental	Beverages	Beverages	Cocktail
	Only	and Wine	and Liquor	Lounge
18 Airport				\$1,200
19 Ballroom	\$ 45			\$1,200
20 Bed and Breakfast		\$ 480	\$ 840	
21 Beer and Specialty Beverage				
22 Festival				
23	One-day	\$ 250		
24	Two-day	\$ 300		
25	Three-day	\$ 350		
26 Catering (all)				\$1,200
27 Catering (off-site only)				\$ 840
28 Catering (on-site only)				
29	18 events	\$ 5		
30	36 events	\$ 5		
31	52 events	\$ 5		
32 Club Military				\$ 100
33 Club Social				
34	9 events	\$ 250		
35	18 events	\$ 450		
36	36 events	\$ 750		
37	52 events	\$1,200		

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1	Club Private			\$1,200
2	Club Veterans			
3		9 events	\$ 250	
4		18 events	\$ 450	
5		36 events	\$ 750	
6		52 events	\$1,200	
7	College Club			\$1,200
8	Convention Center			\$2,400
9	Dining Car		\$ 480	\$ 840
10	Fairs		\$ 112	
11	Hotel			\$ 840
12	Liquor Festival			
13		One-day		\$250
14		Two-day		\$300
15		Three-day		\$350
16	One day License			\$ 100
17	Performing Arts			\$ 360
18	Racetrack/Motor Vehicle			\$1,800
19	Racetrack/Pari-Mutuel			\$3,000
20	Rail Cars			\$1,200
21	Restaurant		\$ 480	\$ 840
22	Special License			\$ 25
23	Sports/Entertainment			\$1,800
24	Complex			
25		9 events	\$ 250	
26		18 events	\$ 450	
27		36 events	\$ 750	
28		52 events	\$1,200	
29	Sports Recreation			
30	Facility			\$1,200
31	<i>Tavern License</i>			\$6,480
32	Tobacco Retailer			\$ 840
33	Vessel		\$ 480	\$ 840
34	Wine Festival			\$1,200
35		One-day	\$ 250	
36		Two-day	\$ 300	
37		Three-day	\$ 350	

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1 4 Effective Date. This act shall take effect 60 days after its passage.

HB 276- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-1033h)

AN ACT establishing a liquor license where beverages, wine, and liquor can be sold without food.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	Liquor Fund			
Expenditures*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill establishes a tavern license allowing the sale of beverages, wine, and liquor without the sale of food.

The Liquor Commission states it is unknown how many existing licensees will migrate from their current license type to the tavern license once the community has approved it, or how many new businesses would seek this license once they become aware it can be acquired without any investment in kitchen equipment or food preparers or servers. The Commission does not have information on the impact this change may have on policing services, town clerks, planning and zoning departments or fire departments. The Commission expects that some communities will need to revise their zoning provisions if voters choose to allow a tavern license in their community. The Commission assumes there could be litigation from business owners in

communities that vote not to accept the tavern license if neighboring communities vote to allow this license type. The Commission offers the following additional information:

- The actual impact on license fee revenue cannot be determined, but if a sizeable number of licensees acquire tavern licenses, the revenue impact could be significant.
- There are 1,699 restaurant licensees operating in the state as of 4/1/2025. This includes businesses licensed with an on premise beverage and wine license (\$480/year), an on premise beverage and liquor license (\$840/Year), and an on premise cocktail lounge license (\$1200/year).
- The Commission anticipates business owners will consider the cost/benefit of changing from their current license type to a food-free tavern license.
 - o As an example; there are currently 462 restaurants serving beer and wine. The licensing fee is \$480 annually which amounts to \$221,760 in annual licensing revenue. If all 462 changed to a tavern license for an annual fee of \$6,480, it would increase licensing revenue by \$2,772,000. $[(462 \times \$6,480) - (462 \times \$480) = \$2,772,000]$.
- The Commission is not able to predict how many existing licensees may actually choose to change to the tavern license if it is made available in their community.
- The Commission anticipates many new license applicants will apply for the tavern license once they become aware there are no food requirements.

It is assumed that any fiscal impact would occur after FY 2025.

AGENCIES CONTACTED:

Liquor Commission