

Amendment to HB 529

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Alcoholic Beverages; Definitions and General Provisions. Amend RSA 175:1, LIX to read as
4 follows:

5 LIX. "Restaurant" means a space, in a suitable or permanent building, kept, used,
6 maintained, advertised and **generally** held out to the public to be a place where meals are regularly
7 served. It shall be provided with an adequate and sanitary kitchen, and seating for 20 patrons.

8 2 New Section; Restaurant Delivery License. Amend RSA 178 by inserting after section 21 the
9 following new section:

10 178:21-a Restaurant Delivery License.

11 I. Any on-premises licensee may purchase a restaurant delivery license from the commission
12 for \$250. Such license shall expire one year after the date of issuance and may be renewed by an on-
13 premises licensee for \$250 each year.

14 II. Notwithstanding the provisions of RSA 175:6 and RSA 179:15, an on-premises licensee in
15 possession of a restaurant delivery license may transport beverages, wines, and liquor for delivery to
16 consumers subject to the following requirements:

17 (a) All deliveries of beverages, wines, and liquor shall be accompanied by food prepared
18 by the restaurant delivery licensee and ordered by the consumer;

19 (b) All deliveries of beverages, wines, and liquor conducted pursuant to this section shall
20 be undertaken during the on-premises licensee's hours of operation and shall be delivered only to
21 areas where the sale of alcoholic beverages is permitted;

22 (c) All deliveries of beverages, wines, and liquor shall be solely for the personal
23 consumption of the consumer and not for resale;

24 (d) All beverages and wines transported pursuant to this section shall be transported in
25 their original, manufactured, sealed containers;

26 (e) All alcoholic beverages containing liquor that are transported pursuant to this
27 section shall be transported in a container:

28 (1) That shall clearly identify the licensee from which the alcoholic beverage was
29 purchased;

30 (2) That is sealed, with a tamper proof seal, by the restaurant delivery licensee in a
31 manner that clearly demonstrates when the container has been opened;

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1 (3) That identifies, on a label, a detailed description of the contents of the liquor in
2 the alcoholic beverage, including:

3 (A) The type and brand of the liquor used to make the alcoholic beverage;

4 (B) The alcohol by volume of the liquor used to make the alcoholic beverage; and

5 (C) The amount of liquor contained in the alcoholic beverage; and

6 (4) That contains a warning label that states the following, "GOVERNMENT
7 WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages
8 during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages
9 impairs your ability to drive a car or operate machinery and may cause health problems."

10 (f) Any individual engaged in the delivery of beverages, wines, and liquor pursuant to
11 this section shall be an employee who regularly receives a W-2 from the on-premises licensee and is
12 at least 21 years of age; and

13 (g) During deliveries conducted under this section, the person engaged in making the
14 delivery shall acquire a signed receipt from the consumer. Consumers who appear visibly
15 intoxicated or who a reasonable and prudent person would know are intoxicated, who do not produce
16 identification verifying the consumer's age, or who fail to sign a receipt shall not be entitled to his or
17 her delivery of beverages, wines, or liquor.

18 III. No holder of a restaurant delivery license or on-premises license shall deliver any
19 beverages, wines, or liquor to any college, university, or school, whether public or private, located
20 within the state. No holder of a restaurant delivery license or on-premises license shall deliver any
21 beverages, wine, or liquor to any public library, public playground, or public park.

22 IV. A person holding an on-premises license engaged in take-out services may include
23 beverages, wines, and liquor with meals sold to a consumer for consumption by the consumer and
24 not for resale. The requirements set forth in paragraph II shall apply to any take-out meal sold with
25 beverages, wines, or liquor.

26 3 Transportation of Beverages and Wine. Amend RSA 179:15, III - V to read as follows:

27 III. ~~[(a) Notwithstanding the provisions of paragraph II, an on-premises licensee may~~
28 ~~purchase a restaurant delivery license from the commission for \$250. Such license shall expire one~~
29 ~~year after the date of issue and may be renewed by an on-premises licensee for \$250 each year.~~

30 ~~(b) An on-premises licensee in possession of a restaurant delivery license shall only be~~
31 ~~permitted to transport beverages and wines for delivery to consumers subject to the following~~
32 ~~requirements:~~

33 ~~(1) All deliveries of beverages and wines shall be accompanied by food prepared by~~
34 ~~the restaurant delivery licensee and ordered by the consumer;~~

35 ~~(2) All deliveries of beverages and wine conducted pursuant to this section shall be~~
36 ~~undertaken during the on-premises licensee's hours of operation and shall be delivered only to areas~~
37 ~~where the sale of alcoholic beverages is permitted;~~

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1 ~~(3) All deliveries of beverages and wine shall be solely for the personal consumption~~
2 ~~of the consumer and not for resale;~~

3 ~~(4) All beverages and wines transported pursuant to RSA 179:15, II shall be~~
4 ~~transported in their original, manufactured, sealed containers;~~

5 ~~(5) Any individual engaged in the delivery of beverages and wines pursuant to this~~
6 ~~section shall be an employee who regularly receives a W-2 from the on-premises licensee and is at~~
7 ~~least 21 years of age; and~~

8 ~~(6) During deliveries conducted under this section, the person engaged in making~~
9 ~~the delivery shall acquire a signed receipt from the consumer. Consumers who appear visibly~~
10 ~~intoxicated or who a reasonable and prudent person would know are intoxicated, who do not produce~~
11 ~~identification verifying the consumer's age, or who fail to sign a receipt shall not be entitled to his or~~
12 ~~her delivery of beverages or wine.~~

13 ~~(e) No holder of a restaurant delivery license or on-premises license shall deliver any~~
14 ~~alcoholic beverage to any college, university, or school, whether public or private, located within the~~
15 ~~state. No holder of a restaurant delivery license or on-premises license shall deliver any alcoholic~~
16 ~~beverage to any public library, public playground, or public park.~~

17 ~~IV. A person holding an on-premises license engaged in take-out services may include~~
18 ~~beverages and wine with meals sold to a consumer for consumption by the consumer and not for~~
19 ~~resale. The requirements set forth in subparagraph III(b) shall apply to any take-out meal sold with~~
20 ~~beverages or wine.~~

21 ~~V.] Every person operating such a vehicle, when engaged in such transportation or delivery,~~
22 ~~shall carry a copy of the license in the vehicle so operated, and shall carry such evidence as the~~
23 ~~commission by rule may prescribe showing the origin and destination of the beverages and wines~~
24 ~~being transported or delivered. Upon demand of any law enforcement officer, investigator, or~~
25 ~~employee of the commission, the person operating such vehicle shall produce for inspection a copy of~~
26 ~~the license and the evidence required by this section. Failure to produce such license or evidence~~
27 ~~shall constitute prima facie evidence of unlawful transportation. Except as otherwise provided,~~
28 ~~beverages and wines may be transported within the state only by a railroad or steamboat~~
29 ~~corporation or by a person regularly and lawfully conducting a general express or trucking business,~~
30 ~~and in each case holding a valid carrier's license issued by the commission. Nothing in this section~~
31 ~~shall prohibit individual retail licensees from arranging for the delivery of wine products to a~~
32 ~~location central for the parties involved.~~

33 4 New Paragraphs; Prohibited Sales. Amend RSA 179:5 by inserting after paragraph I the
34 following new paragraphs:

35 I-a. A licensee that violates paragraph I by serving an individual who is visibly intoxicated
36 or who a reasonable and prudent person would know is intoxicated, and such intoxicated person

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1 directly causes the serious bodily injury or death of a person or persons, shall be subject to the
2 following minimum penalties:

3 (a) For the first offense, subject to the limitations of RSA 179:57, I, a suspension of up to
4 30 days provided that the suspension cannot exceed 10 days if the person in charge, managers,
5 security staff, servers, and clerks have completed liquor commission training within 24 months
6 before the date of violation; fine of \$7,500;

7 (b) For the second offense within 7 years of the first offense, a license suspension of a
8 maximum of 30 days; fine of \$7,500; and

9 (c) For the third offense within 7 years of the second offense, the license shall be revoked
10 by the commission.

11 I-b. During the period of the license suspension, the licensee shall post a suspension notice
12 distributed and prepared by the commission, on the exterior doors of the premises facing the public
13 and on the public Internet website, if applicable. The suspension notice shall include the following
14 language, "Liquor license suspended by the New Hampshire Liquor Commission for overserving of
15 alcohol in accordance with RSA 179:5".

16 5 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill allows on-premises licensees to deliver liquor to customers who order a meal for home delivery.

This bill also restores penalties for overserving of liquor by licensees