CHAPTER 179
HB 279-FN - FINAL VERSION

3Jan2024... 2421h
05/02/2024 1606s

2024 SESSION

23-0004
08/04

HOUSE BILL ***279-FN***

AN ACT increasing the penalty for on-premises licensees overserving alcohol.

SPONSORS: Rep. Mooney, Hills. 12; Rep. Adjutant, Graf. 16; Rep. M. Cahill, Rock. 10; Rep. Dutzy, Hills. 6

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill increases the penalty for on-premises licensees overserving alcohol.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 179
HB 279-FN - FINAL VERSION

3Jan2024... 2421h
05/02/2024 1606s

23-0004
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT increasing the penalty for on-premises licensees overserving alcohol.

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

179:1 New Paragraphs; Prohibited Sales; Serving of Intoxicated Persons; Penalties In Cases of Injury or Death. Amend RSA 179:5 by inserting after paragraph I the following new paragraphs:

I-a. A licensee that violates paragraph I by serving an individual who is visibly intoxicated or who a reasonable and prudent person would know is intoxicated, and such intoxicated person directly causes the serious bodily injury or death of a person or persons, shall be subject to the following minimum penalties:

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

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

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

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

179:2 Suspension or Revocation; Administrative Fines. Amend RSA 179:57, I(e) to read as follows:

(e) Otherwise fails to carry out in good faith the purposes of this title or if the premises are regularly the site of violence, the license of such licensee may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the commission after the appropriate hearing may impose a fine of a specific sum, which shall not be less than $100 nor more than [~~$5,000~~] ***$7,500*** for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

179:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 12, 2024
Effective Date: September 10, 2024