

SB 416 - AS AMENDED BY THE HOUSE

02/19/2026 0507s  
14May2026... 1830h

2026 SESSION

26-2001  
06/09

SENATE BILL **416**

AN ACT relative to the pooling and sharing of tips among tipped employees.

SPONSORS: Sen. McGough, Dist 11; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Ricciardi, Dist 9; Rep. Labrie, Hills. 2; Rep. Seaworth, Merr. 12

COMMITTEE: Commerce

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AMENDED ANALYSIS

This bill:

I. Replaces the state restriction on tip pooling and sharing with the federal Fair Labor Standards Act rules governing tip pooling.

II. Authorizes the labor commissioner to adopt rules regarding the practice of tip pooling and sharing.

III. Requires that establishments which require or permit employee participation in tip pooling or sharing provide notice of such practice to patrons.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to the pooling and sharing of tips among tipped employees.

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

1 1 Short Title. This act may be cited as the "Tip Sharing Policy Act."

2 2 Tip Pooling. RSA 279:26-b is repealed and reenacted to read as follows:

3 279:26-b Tip Pooling.

4 I. Notwithstanding any other provision of this chapter, the pooling and sharing of tips by  
5 employees shall incorporate by reference the Fair Labor Standards Act of 1938, as amended, 29  
6 U.S.C. section 201 et seq., and regulations promulgated under such act, including but not limited to  
7 29 C.F.R. sections 531.50, 531.52, 531.54, 531.55, 531.56, 531.57 as amended and as applicable.

8 II. Notwithstanding any provision of law to the contrary, no employer shall impose a tip  
9 pooling or sharing arrangement that includes employees who are not employed in an occupation in  
10 which employees customarily and regularly receive tips.

11 III. Paragraph II shall not apply to employees who engage in customer service functions and  
12 have direct interactions with customers in the chain of service in roles including, but not limited to,  
13 bartenders, bussers, hosts, and food runners.

14 IV. Owners, managers, and supervisors of a business shall be prohibited from participating  
15 in a tip pool or tip share arrangement, even if these individuals provide direct service or have direct  
16 interactions with customers.

17 V. The commissioner of the department of labor may adopt rules, pursuant to RSA 541-A, as  
18 may be relative to this section.

19 VI. Any restaurant or establishment that requires or permits participation in a tip pooling  
20 arrangement shall provide notice of such practice to patrons. The notice shall be provided by:

21 (a) Posting a sign in a conspicuous place easily accessible to and viewable by patrons; or

22 (b) Including a clear and conspicuous disclosure on the establishment's primary menu.

23 3 Definition of Tip Pooling. Amend RSA 279:1, XIII to read as follows:

24 XIII. "Tip pooling" means the ~~voluntary~~ practice by which the tip earnings of directly  
25 tipped employees within the same job category are intermingled in a common pool and then  
26 redistributed among participating employees.

27 4 Repeal. RSA 279:1, XV, relative to the definition of coercion, is repealed.

28 5 Effective Date. This act shall take effect 60 days after its passage.