

HB 276 - AS INTRODUCED

2025 SESSION

25-0552

08/05

HOUSE BILL **276**

AN ACT removing the requirement that on-premises beverage licensees serve food.

SPONSORS: Rep. Hemingway, Sull. 6

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill removes the requirement that on-premises beverage licensees serve food.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT removing the requirement that on-premises beverage licensees serve food.

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

1 1 On-Premises Beverage and Wine License; Food Sales Not Required. Amend
2 RSA 178:20, II to read as follows:

3 II. The commission may authorize bed and breakfasts with suitable cooking and dining
4 areas, dining cars, vessels serving food, restaurants, and outlets of the New Hampshire Fair
5 Association who are members in good standing to serve beverages, specialty beverages, and wines in
6 any areas approved by the commission~~[-at such times as food is available]~~. New Hampshire Fair
7 Association outlets shall not be subject to reduced fees as provided by RSA 178:29.

8 2 On-Premises Beverage and Liquor License; Food Sales Not Required. Amend RSA 178:21 to
9 read as follows:

10 178:21 On-Premises Beverage and Liquor Licenses.

11 I.(a) The commission may issue a license to any of the types of businesses specified in
12 paragraph II of this section in any town which has voted to accept the provisions of RSA 663:5, I(b),
13 (c), and (d). The license shall entitle the licensee to serve beverages or specialty beverages
14 containing at least 1/2 percent and not more than 8 percent alcohol by volume at 60 degrees
15 Fahrenheit by the glass or other suitable container and by the bottle with the cork or cap removed;
16 liquor containing more than 6 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or
17 other suitable container; and wines, by the glass, by the bottle with the cork or cap removed; or other
18 suitable container, under rules adopted by the commission.

19 (b) No beverage, specialty beverage, or liquor shall be consumed on the premises except
20 that which is sold by the licensee.

21 (c) No beverage, specialty beverage, or liquor shall be removed from the licensed
22 premises by patrons, except as provided by RSA 179:27-a.

23 II. The commission may authorize establishments, as they are defined in RSA 175:1, having
24 full service restaurants to sell beverages, specialty beverages, and liquor~~[-at such time as food is~~
25 ~~available]~~.

26 (a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any
27 full service restaurant. Such license shall entitle the licensee to sell beverages, specialty beverages,
28 and liquor at tables in the approved dining rooms of the restaurant with or without meals ~~[when the~~
29 ~~restaurant kitchen is in operation and meals are being actively promoted and served in that dining~~
30 ~~room]~~. The dining room shall not, however, be used as a substitute for lounge operations. ~~[Licenses~~
31 ~~shall be granted only to restaurants approved by the commission and which show the commission on~~

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1 ~~forms, filed with the license application, covering the 12 most recent calendar months prior to filing,~~
2 ~~that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with annual~~
3 ~~food sales of at least \$75,000 shall be exempt from the 50 percent requirement.]~~ The commission
4 shall at least annually review each license, and application for renewal, on the conditions stated in
5 this paragraph.

6 (2) The dining room shall be open for business at least 5 days a week ~~[for evening~~
7 ~~meals]~~, unless the commission has granted an exemption.

8 (3) Private groups contracting for function rooms may also be served beverages and
9 liquor~~[-without food]~~.

10 (4) [Repealed.]

11 (5) Except as provided in this paragraph, no beverages, specialty beverages, or liquor
12 shall be consumed in the licensed areas except those that are sold by the licensee. With the
13 permission of the commission, a licensee may charge a fee for consumption of privately owned table
14 wine stored on the premises and consumed with the purchase of a full-course meal.

15 (b)(1) Hotel Full Service Restaurant. The commission may issue a license to any hotel in
16 any town. Notwithstanding the fact that the town where the hotel is located has voted not to
17 approve the sale of beverages and specialty beverages in said town, the license issued to a hotel shall
18 entitle the licensee to:

19 (A) Sell beverages, specialty beverages, and liquor by the glass or other suitable
20 container and wine by the bottle, if the cork is drawn, or by other suitable container to guests in the
21 dining room or in the rooms of guests.

22 (B) Sell beverages, specialty beverages, liquor, and wine by the bottle which
23 shall be delivered to the rooms of guests, provided that such sales are not made below the cost of
24 such beverages and liquor.

25 (C) Include a specified quantity of complimentary beverages, specialty
26 beverages, and liquor as part of a contract for the hosting of a convention or offer a specified quantity
27 of complimentary beverages, specialty beverages, or liquor in soliciting such conventions. As used in
28 this paragraph "convention" means an assembly of persons participating in a business, political,
29 professional, or other organizational gathering. Notwithstanding RSA 175:4 or any rules adopted
30 under that section, hotels may advertise and offer package deals to resident guests, which include
31 complimentary drinks, provided such offers shall be limited to persons of legal drinking age.

32 (D) Sell beverages, specialty beverages, and liquor in bottles or containers not
33 exceeding one liter capacity, which shall be stored under lock and key in a cabinet or miniature
34 refrigerated bar in hotel rooms and which shall be available only to hotel room guests who are of
35 legal drinking age.

36 (2) The dining room shall be open for business at least 5 days a week ~~[for evening~~
37 ~~meals]~~, unless the commission has granted an exception.

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1 (3) Hotels may serve beverages, specialty beverages, and liquor in the dining room
2 without meals provided the hotel kitchen is in operation and meals are being actively promoted and
3 served in the dining room. The dining room may not be used as a substitute for lounge operations.

4 (c) Bed and Breakfasts. The commission may issue a license to any bed and breakfast
5 which has at least 4 rentable rooms and a dining area capable of seating the total number of
6 registered guests and shall entitle the licensee to:

7 (1) Sell liquor, beverages, and specialty beverages to registered guests in any
8 approved area or in the rooms of guests.

9 (2) Sell liquor, beverages, and specialty beverages by the bottle which shall be
10 delivered to the rooms of registered guests, provided that the charge for such liquor and beverages is
11 not below cost.

12 (d) Dining Cars. The commission may issue a license to any railroad or car corporation,
13 or designee, operating any dining cars in which food is served within this state, authorizing the
14 holder of the license to sell in such cars liquor, beverages, and specialty beverages to be consumed in
15 such cars. Such license shall be good throughout the state in both license and non-license territory,
16 and only one such license shall be required for all cars operated in the state by the same owner.
17 Dining cars traveling through New Hampshire from out of state jurisdictions may purchase supplies
18 of liquor, wine, and beverages from sources other than as provided in RSA 179:32.

19 (e) Vessels. The commission may issue a special license to the owner or operator of a
20 passenger vessel operating out of any port of the state. Such license shall allow the sale of liquor
21 ~~[with food]~~ or beverages or specialty beverages in any area of the vessel approved by the commission.

22 3 Effective Date. This act shall take effect 60 days after its passage.