

**Statutory Provisions Related to Pricing of Spirits and Wine by the
New Hampshire Liquor Commission**

State Liquor Stores

New Hampshire Revised Statutes Annotated Chapter 177: State Liquor Stores

N.H. R.S.A. § 177:6. Liquor Dispensed Only Through Commission.

Except as provided in RSA 178:8, II and RSA 178:27, no liquor shall be sold in any state store, nor by any sales agent, nor by any person holding an on-premises or off-premises retail license under RSA 178, except that obtained from the commission.

N.H. R.S.A. § 177:7. Packages.

All liquor sold in state stores shall be sold for consumption off the premises. Such liquor shall be in packages containing such quantity as the commission shall prescribe. The commission is authorized to prescribe the form of bottle and package and to bottle such liquor as it may deem necessary and proper. The price of all liquor sold shall be sufficient to pay for the cost of the liquor purchased, plus the operating expenses of the state stores, plus a proportionate part of the overhead expenses of the commission, plus an additional charge; all to be determined by the commission. The commission is hereby authorized to limit the amount of liquor which may be purchased by any person.

Agency Liquor Stores

New Hampshire Revised Statutes Annotated Chapter 177: State Liquor Stores

N.H. R.S.A. § 177:10. Rulemaking.

The commission shall adopt rules approved, under RSA 541-A, relative to the selection and operation of agency liquor stores. These rules shall apply equally to all stores, except those generally licensed under RSA 177:14 and shall include, but shall not be limited to the following:

- I. Location of agency liquor stores.
- II. The handling and sale of liquor.
- III. Storage facilities for liquor.
- IV. Hours of operation.
- V. The separation of liquor from other merchandise in the agency liquor stores.

VI. The size and nature of the facilities of agency liquor stores for different quantities of liquor to be sold.

VII. The definition of terms used in rulemaking for agency liquor stores.

VIII. Operation of agency liquor stores.

IX. Discount and compensation.

X. Closure and vacancy of agency liquor stores.

XI. Advertising and promotion.

XII. Pricing of liquor.

XIII. Selection of agency liquor stores.

XIV. Selection of applicant for agency liquor stores.

XV. Renewal of agency liquor stores.

XVI. Industry interest.

XVII. Applicants, stores, and employees.

XVIII. Special seasonal agency liquor stores.

N.H. R.S.A. § 177:13. Liquor for Agency Liquor Stores.

No agency liquor store shall purchase its liquor inventory from any source other than the state liquor commission.

On-Premises Licensees

New Hampshire Revised Statutes Annotated Chapter 178: Liquor Licenses and Fees

N.H. R.S.A. § 178:28. Discount and Credit on Sales to Licensees.

Pursuant to RSA 541-A and in furtherance of the objectives of this chapter and title, the commission shall adopt rules providing for the following:

I. When fixing the price for sale of liquor and wine to on-premises licensees, the commission may allow discounts at percentages to be determined by the commission from the regular retail price on case lot orders F.O.B. the warehouse or commission direct delivery system. No discount determined by the commissioner under this paragraph shall be less than 10 percent.

II. The commission shall adopt a schedule of hours and procedures by which wine and liquor may be purchased from the warehouse or state liquor store for resale by on-premises licensees on a credit basis, the terms of which shall provide for payment of accounts within a time period not to exceed 30 days and not less than 15 days to be determined by the commission.

III. The commission may adopt procedures by which on-premises licensees may purchase liquor for resale by credit card from state liquor stores, the warehouse, or the commission direct delivery system.

IV. A schedule of hours and procedures by which holders of off-premises retail licenses may purchase fortified wines and table wines by the bottle at state retail liquor stores.

V. A schedule of hours and procedures by which fortified wines and table wines may be purchased at the discount price for resale by holders of off-premises retail licenses at percentages of discount to be determined by the commission. Discounts for holders of off-premises retail licenses with annual wine purchases under \$350,000 shall be no less than 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

V-a. For the purpose of this provision, any person holding 2 or more licenses under RSA 178:18 with combined annual wine purchases under \$350,000 shall receive at least 15 percent less than the regular retail price in the liquor stores and at least 20 percent less than the regular price F.O.B. at the warehouse. All combined annual wine purchases over \$350,000 shall receive at least 10 percent less than the regular price F.O.B. at the warehouse.

V-b. The commission, in its discretion, may adjust discounts for off-premises licensees to optimize the profitability of the commission and maintain proper controls; provided that the commission does not reduce discounts below the percentages stated in paragraphs V or V-a.

VI. A schedule of hours and procedures by which fortified wines and table wines may be purchased for resale by holders of off-premises retail licenses on a credit basis, the terms of which shall provide for payment of accounts within a time period not to exceed 30 days and not less than 15 days to be determined by the commission.