

SB 149-FN – AS INTRODUCED

2013 SESSION

13-0985
03/09

SENATE BILL **149-FN**

AN ACT relative to liquor samples.

SPONSORS: Sen. Stiles, Dist 24; Rep. Peckham, Rock 22

COMMITTEE: Commerce

ANALYSIS

This bill allows liquor manufacturers to distribute samples to licensees for tasting on licensed premises.

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Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen

AN ACT relative to liquor samples.

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

1 1 Liquor Manufacturer; Sales Fee. Amend RSA 178:6, VI to read as follows:

2 VI. Each liquor manufacturer shall maintain records and prepare reports for the commission
3 which shall indicate the sales made under paragraph III **and samples distributed under**
4 **paragraph IX** and shall pay to the commission monthly a fee equal to 8 percent of such sales **or 8**
5 **percent of the retail value of such samples** on or before the tenth day of the month following the
6 sale **or distribution**.

7 2 New Paragraph; Liquor Manufacturer; Distribution of Samples. Amend RSA 178:6 by
8 inserting after paragraph VIII the following new paragraph:

9 IX. Each liquor manufacturer distilling less than 5,000 cases of liquor per year shall have
10 the right to distribute samples directly to on-premises and off-premises licensees for tasting on the
11 licensed premises in accordance with RSA 179:44.

12 3 Samples Provided for Tasting. Amend RSA 179:31, II(e) to read as follows:

13 (e) All liquor or wine for this purpose shall be purchased from the commission, **except as**
14 **provided in RSA 178:6, IX**.

15 4 Free Drinks. Amend RSA 179:44 to read as follows:

16 179:44 Free Drinks.

17 I. No licensee shall give away free drinks to customers, patrons, members, or guests, in any
18 manner.

19 II. Notwithstanding [~~the above~~] **paragraph I**, beverage manufacturers, **liquor**
20 **manufacturers**, beverage vendors, brew pubs, wholesale distributors and their liquor or wine
21 vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises and
22 off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed
23 premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are
24 authorized by the commission for the sale of the product on the premises.

25 III. Liquor, beverage, or wine samples shall be consumed on the premises, and, except for
26 wine samples provided by wine manufacturers **and liquor samples provided by liquor**
27 **manufacturers**, liquor or wine for this purpose shall be purchased from the commission under
28 conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as
29 prescribed by this title.

30 IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and
31 procedures for liquor, beverage, and wine tasting within the state.

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- 1 V. All samples furnished for tasting shall be considered sales for the requirements of
2 RSA 178:26 *and RSA 178:6, VI.*
3 5 Effective Date. This act shall take effect January 1, 2014.

SB 149 FISCAL NOTE

AN ACT relative to liquor samples.

FISCAL IMPACT:

The Liquor Commission states this bill, **as introduced**, will have an indeterminable impact on state revenue in FY 2014 and each year thereafter. There is no fiscal impact on state, county and local expenditures, or county and local revenue.

METHODOLOGY:

The Liquor Commission states this bill allows liquor manufacturers distilling less than 5,000 cases of liquor per year to distribute samples to licensees for tasting on licensed premises. The Commission states they do not have the information to determine how many manufacturers would take advantage of this bill but the impact on revenue is indeterminable and expected to be insignificant.