

HB 1504-FN - AS INTRODUCED

2026 SESSION

26-2500
07/09

HOUSE BILL ***1504-FN***

AN ACT prohibiting retailers from engaging in price gouging on certain necessary products and services.

SPONSORS: Rep. Simpson, Rock. 33; Rep. Veilleux, Hills. 34; Rep. Gruber, Ches. 16; Rep. Telerski, Hills. 11; Rep. Hakken-Phillips, Graf. 12; Rep. N. Murphy, Hills. 12; Rep. Bixby, Straf. 13; Rep. Rung, Hills. 12; Rep. Manohar, Hills. 9; Rep. Weinstein, Rock. 10; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill:

I. Prohibits retailers from raising prices on necessary goods and services, except in certain circumstances.

II. Empowers any governmental prosecuting authority to sue a retailer engaged in price gouging on behalf of the state.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting retailers from engaging in price gouging on certain necessary products and services.

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

1 1 New Chapter; Prohibition on Price Gouging. Amend RSA by inserting after chapter 358-T the
2 following new chapter:

3 CHAPTER 358-U

4 PROHIBITION ON PRICE GOUGING

5 358-U:1 Definitions. As used in this chapter:

6 I. "Necessities" means goods and services that are necessary for the health, safety, and
7 welfare of consumers or the general public.

8 II. "Prosecuting authority" means any prosecutor with jurisdiction over the location where a
9 retailer conducts business.

10 III. "Public utility" means a publicly-owned organization that provides essential services to
11 the public.

12 IV. "Retailer" means any person offering necessities for sale to the general public.

13 V. "Seasonal pricing" means pricing that is consistent with historical data that shows that
14 prices were charged during the same season in the previous 3 years.

15 VI. "Triggering event" means the declaration of a state of emergency or a finding of
16 abnormal market disruption, pursuant to RSA 358-U:2, V, by the governor.

17 VII. An "abnormal market disruption" means a significant disruption, whether actual or
18 imminent, to the production, distribution, or sale of goods and services in this state, which are
19 consumed or used as a direct result of an emergency or used to preserve, protect, or sustain life,
20 health, safety, or economic well-being of a person or his or her property. A significant disruption
21 may result from a natural disaster, weather, acts of nature, strike, power or energy failures or
22 shortages, civil disorder, war, terrorist attack, national or local emergency, or other extraordinary
23 adverse circumstances. A significant market disruption can be found only if a declaration of a state
24 of emergency, state of disaster, or similar declaration is made by the President of the United States
25 or an issuance of Code Red/Severe Risk of Attack in the Homeland Security Advisory System is made
26 by the Department of Homeland Security, whether or not such declaration or issuance applies to
27 New Hampshire.

28 358-U:2 Prohibition on Price Gouging.

29 I. Upon a triggering event, a person shall be in violation of this chapter for selling or
30 renting, or offering to sell or rent, any goods or services which are consumed or used as a direct

1 result of an emergency or which are consumed or used to preserve, protect, or sustain life, health,
2 safety, or economic well-being of persons or their property with the knowledge and intent to charge a
3 price that is unreasonably excessive under the circumstances. This prohibition shall apply to all
4 parties in the chain of distribution, including a manufacturer, supplier, wholesaler, distributor, or
5 retail seller of goods or services. This prohibition shall apply in the area where the state of disaster
6 or emergency has been declared or the abnormal market disruption has been found.

7 II. In determining whether a price is unreasonably excessive, it shall be considered whether:

8 (a) The price charged by the seller is attributable to additional costs imposed by the
9 seller's supplier or other costs of providing the good or service during the triggering event.

10 (b) The price charged by the seller exceeds the seller's average price in the preceding 60
11 days before the triggering event. If the seller did not sell or rent or offer to sell or rent the goods or
12 service in question prior to the time of the triggering event, the price at which the goods or service
13 was generally available in the trade area shall be used as a factor in determining if the seller is
14 charging an unreasonably excessive price.

15 (c) The price charged by the seller is attributable to fluctuations in applicable commodity
16 markets; fluctuations in applicable regional, national, or international market trends; or to
17 reasonable expenses and charges for attendant business risk incurred in procuring or selling the
18 goods or services.

19 IV. For the purposes of this section, the end of a triggering event is the earlier of 45 days
20 after the triggering event occurs or the expiration or termination of the triggering event unless the
21 prohibition is specifically extended by the governor.

22 V. The existence of an abnormal market disruption may be found and declared by the
23 governor, pursuant to RSA 358-U:1, VII. The duration of an abnormal market disruption shall be 45
24 days from the triggering event, but may be renewed by the governor if he or she finds and declares
25 the disruption continues to affect the economic well-being of state residents beyond the initial 45-day
26 period.

27 358-U:3 Enforcement.

28 I. Any governmental prosecuting authority in the jurisdiction in which the retailer conducts
29 business shall have the authority to enforce this chapter by bringing action on behalf of this state, or
30 as *parens patriae* on behalf of persons residing in the state, and shall be empowered to seek
31 injunctions to enjoin violations of this chapter.

32 II. Any violation of this chapter shall constitute an unfair, abusive, and deceptive trade
33 practice within the meaning of existing law. Violators of this chapter may face a civil penalties of up
34 to \$5,000 per violation. Additional penalties may be imposed for any subsequent violations of this
35 chapter, court order, or injunction seeking to prevent price gouging under this chapter.

1 III. A governmental prosecuting authority in the jurisdiction in which the retailer is located
2 may be awarded reasonable attorney's fees and costs if they are the prevailing party in an action
3 taken under this chapter.

4 2 Effective Date. This act shall take effect January 1, 2027.

**HB 1504-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT prohibiting retailers from engaging in price gouging on certain necessary products and services.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Revenue Fund(s)</i>	General Fund			
Expenditures*	\$0	\$0	\$123,000	\$230,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill creates RSA 358-U, prohibiting retailers and other sellers from engaging in price gouging on necessities during a declared state of emergency or abnormal market disruption. The bill establishes criteria for determining whether a price is unreasonably excessive, authorizes governmental prosecuting authorities to seek injunctive relief, and classifies violations as unfair or deceptive trade practices subject to civil penalties of up to \$5,000 per violation.

The Department of Justice (DOJ) states this bill adds new enforcement responsibilities to the Consumer Protection and Antitrust Bureau. Because the prohibitions apply only after a “triggering event” defined as a declared state of emergency or abnormal market disruption, the complaint volume is unpredictable. DOJ anticipates an increase in complaints and investigations during such events, and estimates it would require one additional unclassified attorney and one additional paralegal (23-2010 PARALGLS-LGL ASSTS-4 SOC23-04) beginning January 1, 2027. Because the bill is effective midway through FY 2028, the first-year impact reflects half-year personnel costs plus full fit-up expenses. The attorney position would cost \$72,000 in FY 2028 and \$138,000 in FY 2029, and the paralegal position would cost \$51,000 in FY 2028 and \$92,000 in FY 2029. The combined cost of both positions would be \$123,000 in FY 2028 and \$230,000 in FY 2029.

AGENCIES CONTACTED:

Department of Justice