HB 1765-FN - VERSION ADOPTED BY BOTH BODIES

11Mar2026... 0473h
05/07/2026 1721s

2026 SESSION

26-2508
08/06

HOUSE BILL ***1765-FN***

AN ACT enabling wine and beverage manufacturers to offer tastings of and sell products of certain New Hampshire wine and beverage manufacturers and relative to defacing of controlled products.

SPONSORS: Rep. Hunt, Ches. 14

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill:

I. Enables wine and beverage manufacturers to offer tastings of and to sell products of certain New Hampshire wine and beverage manufacturers.

II. Prohibits off premise license holders and employees or agents of off premise license holders from defacing any controlled product or its packaging or labeling prior to sale or delivery.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 enabling wine and beverage manufacturers to offer tastings of and sell products of certain New Hampshire wine and beverage manufacturers and relative to defacing of controlled products.

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

1 New Paragraph; Liquor Licenses and Fees; Wine Manufacturer License. Amend RSA 178:8 by inserting after paragraph XII the following new paragraph:

XIII. For an additional annual fee of $120, any wine manufacturer licensee with sales of under 1,000 cases per licensing year may purchase products from a beverage manufacturer licensed under RSA 178:12, or another wine manufacturer licensed under this section, for the purpose of sampling or selling its products at the licensee's premises. Wine manufacturer licensees operating pursuant to this paragraph shall be subject to the following limitations:

(a) On-premises samples may be sold or given away.

(b) Sample sizes shall be limited to the provisions of RSA 178:12, II-a for beverages, and paragraph III of this section for wine.

(c) Off-premises retail sales made at the beverage manufacturer’s facility or another wine manufacturer’s facility shall be limited to products in their unopened original containers and to customers and persons of legal drinking age.

(d) All sales and sampling activities must occur during the licensee's normal business hours.

2 Liquor Licenses and Fees; Beverage Manufacturer License. RSA 178:12, XIV is repealed and reenacted to read as follows:

XIV. For an additional annual fee of $120, any beverage manufacturer licensee with production of under 2,500 barrels per licensing year may purchase products from any wine manufacturer licensed under RSA 178:8, or from any beverage manufacturer licensed under RSA 178:12, regardless of such manufacturer's production volume for the purpose of sampling or selling such products at the licensee's premises. Beverage manufacturer licensees operating under this paragraph shall be subject to the following limitations:

(a) On-premises samples may be sold or given away.

(b) Sample sizes shall be limited to the provisions of paragraph II-a of this section for beverages, and RSA 178:8, III for wine.

(c) Off-premises retail sales made at the wine manufacturer’s facility or another beverage manufacturer’s facility shall be limited to products in their unopened original containers and to customers and persons of legal drinking age.

(d) All sales and sampling activities must occur during the licensee's normal business hours.

3 New Section; Enforcement, Requirements and Penalties; Advertising; Prohibited Conduct; Defacing of Controlled Products. Amend RSA 179 by inserting after section 31 the following new section:

179:31-a Prohibited Conduct; Defacing of Controlled Products.

I. No off premise license holder, or an employee or agent of an off premise license holder acting within the scope of employment, shall intentionally deface, or cause or permit the defacing of, any controlled product or its packaging or labeling prior to sale or delivery to a consumer.

II. For purposes of this section, prohibited defacing shall include, but not be limited to:

(a) Intentionally removing, cutting, tearing, peeling off, or otherwise damaging any portion of the original label or packaging.

(b) Applying any sticker, tag, marking, or other material.

III. Nothing in this section shall prohibit:

(a) The placement of price tags, inventory control stickers, security devices, or similar markings used in the ordinary course of business.

(b) Actions expressly required by state or federal law, administrative rule, product recall notice, or lawful order of a regulatory agency.

IV. A licensee shall not be subject to suspension, revocation, or other administrative penalty under this chapter solely on the basis that a controlled product, its packaging, or its labeling has been defaced, if the defacing occurred without the licensee's authorization, direction, or knowing permission.

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

LBA
26-2508
5/11/26

HB 1765-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT # 2026-1721s)

AN ACT enabling wine and beverage manufacturers to offer tastings of and sell products of certain New Hampshire wine and beverage manufacturers and relative to defacing of controlled products.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Revenue	$0	Indeterminable Increase $10,000 to $100,000	Indeterminable Increase $10,000 to $100,000	Indeterminable Increase $10,000 to $100,000
Revenue Fund(s)	Liquor Fund/General Fund - Liquor revenue is credited to the liquor fund, with net revenues after expenditures being credited to the state general fund.			
Expenditures*	$0	Indeterminable (Section 3)		
Funding Source(s)	General Fund			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable (Section 3)		
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable (Section 3)		

METHODOLOGY:

This bill allows certain small wine manufacturers and beverage manufacturers to purchase products from other licensed manufacturers for the purpose of sampling and retail sales, subject to specified limitations, and establishes an additional annual license fee of $120 for participating manufacturers.

The Liquor Commission states this bill allows qualifying wine manufacturers producing under 1,000 cases per year and beverage manufacturers producing under 2,500 barrels per year to purchase products from other licensed manufacturers for sampling and retail sales at their premises, for an additional annual fee of $120. The Commission estimates this fee would result in an increase in state revenue of $10,000 to $100,000 annually beginning in FY 2027 and forward.

The Commission further states all beverages manufactured in New Hampshire are subject to a tax of $0.30 per gallon. To the extent the bill results in increased sales, additional revenue from this tax may occur; however, any such increase is indeterminable.

Section 3 of this bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Liquor Commission, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association