



Statement in Opposition to HB 1504
An Act Prohibiting Retailers from Engaging in Price Gouging on
Certain Necessary Products and Services

January 29, 2026

Members of the House Commerce & Consumer Affairs Committee:

On behalf of the New Hampshire Retail Lumber Association (NHRLA), which represents locally owned and independently operated lumber and building material dealers, manufacturers, wholesalers, distributors, and associated businesses across the state, and as a significant employer of New Hampshire residents, we respectfully submit this testimony in **opposition to HB 1504**, an act prohibiting retailers from engaging in price gouging on certain necessary products and services.

The NHRLA understands and appreciates the intent of this legislation. Protecting consumers during emergencies is an important goal that we share. Our members are small, community-based businesses. Their owners and employees live locally, raise families locally, and serve customers they know personally. They take seriously their responsibility to provide essential materials fairly and reliably, especially during times of disruption.

However, as drafted, HB 1504 raises serious concerns for independent retailers in commodity-based industries such as lumber and building materials and places an unwarranted burden on New Hampshire's family-owned building material suppliers, potentially creating a competitive disadvantage for these local businesses.

First, the bill relies on vague and subjective standards, prohibiting prices deemed "unreasonably excessive under the circumstances" without providing clear, objective guidance that businesses can rely on in real time. Even with the criteria outlined in section U:2, the determination of what constitutes an "unreasonably excessive" price remains inherently subjective. What one prosecutor may view as excessive, another may not, creating the risk of uneven and inconsistent enforcement. Additionally, HB 1504 allows enforcement by multiple prosecuting authorities, meaning a retailer could potentially face actions from more than one prosecutor for the same alleged violation.

This structure effectively creates a "guilty until proven innocent" framework. A prosecutor may bring charges, and the retailer is then forced to expend significant time and financial resources to justify a price increase even when that increase is driven by legitimate cost

continued

factors. The bill provides no protection against over-eager enforcement. Prosecutors are eligible to recover attorney's fees and costs, while retailers must bear the full burden of defense, even if they ultimately prevail.

These concerns are especially acute for lumber dealers. Lumber is a commodity, and prices fluctuate broadly and rapidly based on market conditions, supply constraints, transportation costs, and global events. For lumber dealers, adjusting prices frequently is not an emergency response it is a routine and necessary part of daily operations. Retail lumber dealers operate on extremely thin margins, often five percent or less, and pricing must reflect real-time replacement costs to ensure business viability. Under HB 1504, those routine, cost-based pricing decisions could later be judged with hindsight, exposing retailers to legal and financial risk for acting in good faith.

Second, the bill exposes retailers to liability for cost increases they do not control, including those driven by federal actions. Retailers do not control commodity markets, transportation costs, or tariffs imposed at the federal level. While the bill indicates that cost increases may be considered, it provides no clear safe harbor for retailers who are simply passing through documented, unavoidable increases.

Notably, HB 1504 specifies that an "abnormal market disruption" may be declared based on a federal declaration of a national emergency. The federal tariffs enacted last spring were imposed pursuant to a declared national emergency related to large and persistent U.S. trade deficits and associated economic harms. Under the framework established in HB 1504, those tariffs would qualify as an abnormal market disruption, even though they were imposed entirely at the federal level and outside the control of New Hampshire retailers. This creates the very real possibility that routine, necessary price adjustments tied to commodity cost increases could trigger enforcement risk at the local level.

Finally, the enforcement pressure and uncertainty created by HB 1504 risk exacerbating the very problem it seeks to address. When retailers face unclear standards and significant legal exposure, they may be discouraged from sourcing and supplying essential materials during periods of disruption, potentially worsening shortages rather than protecting consumers. Market disruption legislation does not always help or protect the people it is intended to serve during an emergency.

For these reasons, we respectfully urge the committee to **oppose HB 1504**.

Thank you for your time and consideration.

Francis Palasieski
Director of Gov. Affairs
Northeastern Retail
Lumber Association
fpalasieski@nrla.org

Eric Murphy
East Coast Lumber
Building Supply Company
President, NHRLA
emurphy@eclumber.com

Bob Jackman
Lavalley Building Supply
Legislative Chair
NHRLA
rjackman@lavalleys.com



The New Hampshire Retail Lumber Association

The New Hampshire Retail Lumber Association (NHRLA) has 69 member locations and represents independent lumber and building material dealers, manufacturers, wholesalers, distributors, and other associated businesses in the state of New Hampshire. The lumber and building materials industry employs more than 6,000 New Hampshire residents.

NHRLA Members

- A&B Lumber Company:** Moultonborough, Pembroke
Acadia Insurance Company: Manchester
Alton Home & Garden Center: Alton
Ashland Lumber Company Inc.: Ashland
Beau-Trusses: Boscawen
Belletetes Inc.: Andover, Jaffrey, Nashua, Peterborough, Sunapee
Benson Lumber & Hardware: Derry, Londonderry
Boise Cascade: Greenland
Boulia-Gorrell Lumber Co. Inc.: Laconia
Brock's Plywood Sales Inc.: Rochester
Caron Building Center Inc.: Berlin
Coastal Forest Products, Inc.: Bedford
Country 3 Corners Building Center: Weare
Cushman Lumber Co., Inc.: Charlestown
Cyr Lumber Company Inc.: Tilton, Warner, Windham
Di Prizio Pine Sales: Middleton
Durgin and Crowell Lumber Co.: New London
East Coast Lumber: East Hampstead
Fairview Millwork Inc.: Amherst, Seabrook
Feuer Lumber Inc.: Atkinson
Fogg's Hardware and Building Supplies: Woodsville
Friend Lumber Co.: Hudson
Gilford Home Center: Gilford
Goodfellow, Inc.: Manchester
Hamshaw Lumber Inc.: Keene
Hancock Lumber Company: North Conway
Huttig Building Products: Hooksett
Jackson Lumber & Millwork Co.: Raymond
LaValley Building Supply Inc.: Claremont, Newport, Walpole, West Lebanon
Lumber Barn: Bradford, Goshen, Newbury
Mast Road Grain & Bldg. Mtl: Manchester
Middleton Building Supply: Dover, Hampton, Meredith, Middleton
Milford Lumber Company Inc.: Milford
Moynihan Lumber Company: Plaistow
Nitco: Concord
P.J. Currier Lumber Co. Inc.: Amherst
Pelham Building Supply: Pelham
Perras Ace, Inc.: Lancaster
Petrocelli Marketing Group: Merrimack
PPG Industries, Inc.: Milford
Preferred Building Systems: Claremont
Quickrete-Boston: Brentwood
R.P. Williams & Sons Inc.: Bristol
Reeds Ferry Lumber Corporation: Merrimack
Ricci Lumber: Portsmouth
Seacoast Mills Building Supply, Inc.: Brentwood
Selectwood: Portsmouth
Skehan Home Center Inc.: Center Ossipee
The Rowley Agency: Concord
Varney-Smith Lumber Co. Inc.: Lisbon
Wallboard Supply Company, Inc., U.S. LBM, LLC: Londonderry
White Mountain Lumber: Berlin



585 North Greenbush Road, Rensselaer, NY 12144
Phone 518.286.1010 or 800.292.6752 • Fax 518.286.1755 • www.nrla.org