

§83-C. Administration of the spirits business by the bureau; rules

The bureau shall establish policies and rules and propose legislation concerning the administration of the spirits business laws under this Title. The bureau shall: [PL 2013, c. 476, Pt. A, §9 (NEW).]

1. Administration and trade marketing supervision. Manage the administration and trade marketing of spirits through agency liquor stores and consistent with one or more contracts awarded under section 90; [PL 2013, c. 476, Pt. A, §9 (NEW).]

2. Price regulation. Make recommendations to the commission regarding the retail prices of spirits sold in the State and establish the wholesale prices of spirits sold in this State. The bureau shall adopt rules regarding the wholesale pricing of spirits sold to agency liquor stores. The wholesale spirits provider is granted the privilege to distribute spirits under this Title and is immune from antitrust action so long as the wholesale spirits provider is in compliance with the bureau's rules and all other applicable laws and regulations; [PL 2021, c. 658, §54 (AMD).]

2-A. Special pricing situations. Notwithstanding section 1651, the bureau may, by rule, set retail prices on spirits at different levels than those established by the commission in the following circumstances.

A. The bureau may establish special retail prices on certain listed spirits items to be made available to the consumer at all agency liquor stores. [PL 2019, c. 404, §3 (NEW).]

B. The bureau may reduce the retail price of a listed spirits item that is unlikely to be sold for the retail price set by the commission. [PL 2019, c. 404, §3 (NEW).]

C. The bureau may reduce, at the expense of the spirits supplier, the retail price of those test-market spirits items that fail to meet set minimum gross profit standards after a 3-month period; [PL 2021, c. 658, §55 (AMD).]

[PL 2021, c. 658, §55 (AMD).]

2-B. Recommendations; review. Beginning October 1, 2024, and every 2 years thereafter, review the retail prices of spirits sold in the State established by the commission under, section 81, subsection 5. The review must include comments provided to the bureau from a public hearing held by the bureau on the retail prices of spirits sold in the State. The bureau shall submit a report of the review conducted under this subsection to the commission and to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters. The report may include recommendations regarding the establishment of the retail prices of spirits sold in the State pursuant to subsection 2. [PL 2023, c. 632, §1 (NEW).]

3. Purchase. Oversee the wholesale purchase and storage of spirits for sale in the State. Spirits delivered to the wholesale spirits provider and stored at a warehouse designated by the commission under section 81 are the property of the spirits supplier. Spirits become the property of the bureau upon removal from the warehouse for shipment to an agency liquor store. Spirits delivered to an agency liquor store become the property of the licensee upon receipt of delivery. The wholesale spirits provider at no time takes legal title to any spirits delivered to the warehouse. The bureau may buy and have in its possession spirits for sale to the public. The bureau shall buy spirits directly and not through the Chief Procurement Officer. All spirits must be free from adulteration and misbranding; [PL 2023, c. 516, Pt. B, §44 (AMD).]

4. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of spirits throughout the State and the operation and administration of state activities regarding the sale of spirits and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State;

[PL 2013, c. 476, Pt. A, §9 (NEW).]

5. Sales incentives to agents; rules.

[PL 2021, c. 592, Pt. B, §1 (RP).]

6. Rules. Adopt rules consistent with this Title or other laws of the State for the administration of all laws concerning the sale of spirits. The rules must include a process for developing recommendations to be submitted to the commission regarding the establishment of the retail prices of spirits sold in the State under subsection 2, including, but not limited to, rules regarding the data and other criteria used in developing the recommendations. The rules must establish a process for the bureau to receive public input regarding the proposed recommendations to the commission. In adopting the rules, the bureau shall hold a public hearing. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;

[PL 2023, c. 632, §2 (AMD).]

7. Certification. Certify monthly to the commission and the commissioner a complete statement of revenues from and expenses for the sale of spirits by the bureau;

[PL 2019, c. 13, §6 (AMD).]

8. Establish performance standards for contracts. Establish performance standards for any contract awarded under this Title, subject to applicable laws relating to public contracts; and

[PL 2013, c. 476, Pt. A, §9 (NEW).]

9. Report on expenditures. Report annually on expenditures and investments made by the bureau, including, but not limited to, reductions in the retail price at which spirits are sold and incentives offered to agency liquor stores, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters. The report must include the impact of those spending initiatives on the number of cases of spirits sold in the State and on sales of spirits generally.

[PL 2021, c. 658, §57 (AMD).]

SECTION HISTORY

PL 2013, c. 476, Pt. A, §9 (NEW). PL 2019, c. 13, §6 (AMD). PL 2019, c. 404, §§3, 4 (AMD). PL 2021, c. 592, Pt. B, §1 (AMD). PL 2021, c. 658, §§54-57 (AMD). PL 2023, c. 516, Pt. B, §44 (AMD). PL 2023, c. 632, §§1, 2 (AMD).

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