

§708. Prohibited discounts and rebates

1. Certificate of approval holders.

[PL 2021, c. 658, §100 (RP).]

1-A. Manufacturers and wholesalers of malt liquor or wine. A licensed in-state manufacturer of malt liquor or wine and an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval may not:

A. Offer any special discounts, volume discounts or other reduced prices or discounts on malt liquor or wine to a wholesale licensee, except bona fide price reductions under section 1408 offered to all wholesale licensees; or [PL 2021, c. 658, §100 (NEW).]

B. Offer depletion allowances to wholesale licensees unless the depletion allowance is posted in accordance with section 1408. [PL 2021, c. 658, §100 (NEW).]
[PL 2021, c. 658, §100 (NEW).]

1-B. Certificate of approval holders. Except as provided in this section, a certificate of approval holder may not offer any free merchandise, rebate, refund or gift to a purchaser of spirits, wine or malt liquor.

[PL 2021, c. 658, §100 (NEW).]

2. Wholesale licensees. A wholesale licensee may not offer to retail licensees any special discounts, volume discounts, depletion allowances, other reduced prices or discounts, or refunds except bona fide price reductions under section 1408 offered to all retail licensees. A wholesale licensee may not offer any free merchandise, rebate, refund or gift to a purchaser of malt liquor or wine.

[PL 2021, c. 658, §100 (AMD).]

3. Retail licensees. A retail licensee may not offer any free merchandise, rebate, refund or gift to a purchaser of liquor.

[PL 2021, c. 658, §100 (AMD).]

4. Special package plans or price premiums.

[PL 1987, c. 342, §44 (RP).]

5. Combination packages. Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of spirits that the commission has approved for sale in the State.

[PL 2021, c. 658, §100 (AMD).]

6. Marketing and mail-in promotions. Upon approval by the commission, promotional materials designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Upon approval by the commission, a mail-in rebate may be provided to consumers through print or electronic media, attached to the spirits product or displayed near the spirits product where the spirits product is offered for sale for off-premises consumption. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates authorized by this subsection must require the inclusion of the original dated sales receipt for the spirits product to which the rebate is applied. The commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer.

[PL 2017, c. 153, §1 (AMD).]

7. Instant marketing promotions. The bureau or a spirits supplier may offer monetary rebates in the form of instant redeemable coupons as approved by the commission in accordance with

conditions established by the commission or rules established by the bureau. Agency liquor store licensees may redeem the coupons only upon proof of purchase and in accordance with the terms listed on the coupon. Instant redeemable coupons provided by the spirits supplier must be made available to all agency liquor store licensees electing to offer the coupon in an amount equal to the agency liquor store's inventory of spirits products that are subject to the coupon promotion. The bureau or the spirits supplier may offer instant redeemable coupons to consumers through the bureau's or the spirits supplier's publicly accessible website, other digital media platforms or print media. An instant redeemable coupon used in a manner provided in this subsection for a spirits product sold by an agency liquor store licensee to a consumer is for the benefit of the consumer who purchases the spirits product. [PL 2021, c. 658, §100 (AMD).]

This section does not prohibit a certificate of approval holder from including a certificate, instant redeemable coupon or merchandise in or on a package of malt liquor, wine or low-alcohol spirits product for sale by an off-premises retailer. The package containing the certificate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holder at the brewery or winery. Upon approval of the bureau, a certificate of approval holder may offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers through print or electronic media, attached to the package of malt liquor, wine or low-alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol spirits product is offered for sale for off-premises consumption. Mail-in rebates authorized by this paragraph must require the inclusion of the original dated sales receipt for the product to which the rebate is applied, must be redeemed by the certificate of approval holder and may not exceed the purchase price of the malt liquor, wine or low-alcohol spirits product to which the rebate is applied. The commission may approve mail-in rebates that offer an incrementally greater discount based upon increased volume of purchased product. [PL 2021, c. 658, §100 (AMD).]

This section does not prohibit the unconditional distribution of merchandise to the patrons of an on-premises establishment. [PL 2021, c. 658, §100 (AMD).]

SECTION HISTORY

PL 1987, c. 45, §A4 (NEW). PL 1987, c. 342, §44 (RPR). PL 1993, c. 100, §1 (AMD). PL 1993, c. 615, §4 (AMD). PL 1993, c. 730, §31 (AMD). PL 1995, c. 582, §1 (AMD). PL 1997, c. 501, §1 (AMD). PL 2005, c. 503, §§1,2 (AMD). PL 2009, c. 145, §1 (AMD). PL 2009, c. 504, §1 (AMD). PL 2013, c. 514, §§1, 2 (AMD). PL 2013, c. 514, §3 (AFF). PL 2017, c. 153, §§1, 2 (AMD). PL 2019, c. 404, §12 (AMD). PL 2021, c. 658, §100 (AMD).

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