§606. Purchase of spirits by licensees, government instrumentalities, airlines, ferry services, hospitals and state institutions

1. Purchase of spirits. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits for on-premises consumption shall purchase spirits from an agency liquor store licensed as a reselling agent. This subsection does not apply to public service corporations operating interstate.

A. [PL 1993, c. 276, §2 (RP).]

[PL 2021, c. 658, §91 (AMD).]

1-A. On-premises licensees; purchase from reselling agent. Except for a public service corporation that operates interstate, a person licensed to sell spirits for on-premises consumption shall purchase spirits from a reselling agent only, in accordance with this subsection. A licensee that violates this subsection is subject to the administrative penalties provided in section 2074-A.

A. The sale price of spirits sold by a reselling agent to an establishment licensed for on-premises consumption must be the retail price established by the commission or the discounted retail price established by the bureau in accordance with subsection 1-C. [PL 2019, c. 404, §8 (AMD).]

B. Upon completion of a transaction, the reselling agent and the on-premises licensee shall each retain a copy of the licensee order form. [PL 2021, c. 658, §91 (AMD).]

C. [PL 1993, c. 276, §3 (RP).]

D. [PL 1993, c. 276, §3 (RP).]

[PL 2021, c. 658, §91 (AMD).]

1-B. Price of sales to agency liquor stores.

[PL 1997, c. 24, Pt. L, §1 (RP).]

1-C. Price of state spirits sales to agency liquor stores. The bureau may offer discounts below the retail price set by the commission on spirits sold to agency liquor stores.

[PL 2019, c. 404, §9 (AMD).]

1-D. Purchase of spirits.

[PL 2021, c. 658, §91 (RP).]

2. On-premises retailers must report purchases.

[PL 2015, c. 430, §5 (RP).]

3. Prospective licensees may order spirits in advance. Upon approval of the bureau, a person that has been issued an agency liquor store license effective at a future date or a license to sell spirits for on-premises consumption effective at a future date may order spirits in advance of the effective date of the license and may advertise the effective date.

[PL 2021, c. 658, §91 (AMD).]

4. Discount for agency liquor stores.

[PL 2013, c. 476, Pt. A, §21 (RP).]

4-A. Discount rates for agency liquor stores; rulemaking. Beginning July 1, 2014, the bureau shall set the wholesale price of spirits, which is the price an agency liquor store pays to purchase spirits from the State, at a minimum discount of 12% off the retail price. Upon the expiration or termination of all contracts for the operation of the State's wholesale spirits business in effect on January 1, 2022, the bureau shall set the wholesale price of spirits, which is the price an agency liquor store pays to purchase spirits from the State, at a minimum discount of 18% off of the retail price.

The bureau by rule may establish discount rates greater than the minimum discount rates established in this subsection, including:

A. Graduated discount rates, which must be structured in a way that does not adversely affect agency liquor stores that stock a low level of inventory; and [PL 2021, c. 592, Pt. B, §2 (NEW).]

B. Increased discount rates to be awarded as part of a sales incentive program for agency liquor stores. In adopting a sales incentive program under this paragraph, the bureau shall consider the effect of the sales incentive program on state revenue and on any pending or existing contracts awarded under section 90. [PL 2021, c. 592, Pt. B, §2 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 658, §91 (AMD).]

4-B. Discount rate for small distilleries. Beginning July 1, 2019, the bureau shall set the wholesale price of spirits produced by a small distillery licensed under section 1355-A, subsection 5, paragraph B and retained by that small distillery for sale under section 1355-A, subsection 5, paragraph G or H, which is the price the small distillery pays to purchase those spirits from the State, at a discount of 22.75% off the retail price.
[PL 2021, c. 658, §91 (AMD).]

5. Sale to government instrumentalities. The bureau may authorize the sale of spirits to government instrumentalities within the State. The bureau shall set the price.
[PL 2021, c. 658, §91 (AMD).]

6. Sale to airlines and ferry services for consumption outside the State. The bureau may authorize the sale of spirits for consumption outside of the State to airlines and ferry services or their agents. The bureau shall set the price.
[PL 2021, c. 658, §91 (AMD).]

6-A. Sale to hospitals and state institutions. The bureau may authorize the sale of spirits to hospitals and state institutions within the State for medicinal purposes only. The bureau shall set the price.
[PL 2021, c. 658, §91 (NEW).]

7. Premium must be collected. Nothing in this section permits the sale of spirits without collecting the entire premium assessed under chapter 65.
[PL 1997, c. 373, §58 (AMD).]

8. Limits on price. An agency liquor store shall sell all spirits purchased from the bureau at the retail price established by the commission.
[PL 2021, c. 658, §91 (AMD).]

SECTION HISTORY

PL 1987, c. 45, Pt. A, §4 (NEW). PL 1987, c. 342, §§28,29 (AMD). PL 1991, c. 227, §§1,2 (AMD). PL 1991, c. 376, §52 (AMD). PL 1991, c. 622, Pt. K, §8 (AMD). PL 1991, c. 791, §2 (AMD). PL 1991, c. 824, Pt. A, §57 (AMD). PL 1993, c. 276, §§2,3 (AMD). PL 1995, c. 53, §1 (AMD). PL 1997, c. 24, Pt. L, §§1-4 (AMD). PL 1997, c. 373, §58 (AMD). PL 2001, c. 711, §8 (AMD). PL 2003, c. 20, Pt. SS, §§5,6 (AMD). PL 2003, c. 20, Pt. SS, §8 (AFF). PL 2003, c. 51, Pt. C, §2 (AFF). PL 2005, c. 539, §6 (AMD). PL 2011, c. 380, Pt. PPPP, §1 (AMD). PL 2013, c. 269, Pt. A, §§7, 8 (AMD). PL 2013, c. 269, Pt. A, §10 (AFF). PL 2013, c. 269, Pt. C, §11 (AMD). PL 2013, c. 269, Pt. C, §13 (AFF). PL 2013, c. 368, Pt. V, §§35-39 (AMD). PL 2013, c. 368, Pt. V, §61 (REV). PL 2013, c. 476, Pt. A, §§18-21 (AMD). PL 2013, c. 476, Pt. A, §36 (AFF). PL 2013, c. 476, Pt. B, §§3, 4 (AMD). PL 2013, c. 476, Pt. B, §6 (AFF). PL 2015, c. 430, §5 (AMD). PL 2019, c. 168, §1 (AMD). PL 2019, c. 404, §§7-11 (AMD). PL 2021, c. 592, Pt. B, §2 (AMD). PL 2021, c. 658, §91 (AMD).

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