

**New Hampshire Department of Revenue Administration
109 Pleasant Street, Concord, NH 03301**

**TECHNICAL INFORMATION RELEASE
TIR 2015-001 Date August 28, 2015**

A Technical Information Release is designed to provide immediate information regarding tax laws administered by the Department or the policy positions of the Department as a service to taxpayers and practitioners. A Technical Information Release represents the position of the Department on the limited issues discussed herein based on current law and Department interpretation. For the current status of any tax law, practitioners and taxpayers should consult the source documents (i.e., Revised Statutes Annotated, Rules, Case Law, Session Laws, etc.). Questions should be directed to Central Tax Services at (603) 230-5920.

House Bill 177 – Sales of Alcoholic Beverages by Manufacturers

The New Hampshire Legislature has passed and Governor Hassan has signed into law House Bill 177 (Chapter 9, Laws of 2015), authorizing liquor, wine and beverage manufacturers and rectifiers to sell samples of alcoholic beverages for on-premises consumption, effective July 1, 2015. The purpose of this Technical Information Release (TIR) is to notify manufactures and rectifiers who sell alcoholic beverage samples of their responsibility to collect and remit Meals & Rentals (M&R) Tax under RSA 78-A.

The M&R Tax is a 9% tax imposed upon “taxable meals” costing \$.36 or more. The statute defines a “taxable meal” as any meal for which a charge is made that is purchased from a person in the business of operating a restaurant, and which is subject to a tax under RSA 78-A:6. A “meal” is defined as any food or beverage prepared for human consumption and served by a restaurant for either on or off premises consumption. For purposes of the M&R Tax, the term “beverage” includes an alcoholic beverage, served with or without food. The statute defines a “restaurant” as an eating establishment where food or beverages including alcoholic beverages are served and for which a charge is made.

If a manufacturer or rectifier intends to sell alcoholic beverage samples to patrons, it must first obtain an M&R Operator’s License from the Department of Revenue Administration by completing and filing Form CD-3, “Application for Meals and Rentals Tax Operator’s License.” Form CD-3 is available online at the Department’s website: www.revenue.nh.gov; by calling the Department’s Collections Division at (603) 230-5900; or by writing to:

NH Department of Revenue Administration
Collections Division
PO Box 454
Concord, NH 03302-0454

If a manufacturer or rectifier sells samples to patrons, the manufacturer or rectifier is required to collect and remit the M&R Tax due under RSA 78-A to the Department on a monthly basis. Manufacturers and rectifiers who provide free or complimentary samples to patrons without making a charge are not required to obtain an M&R Operator’s License or collect and remit the M&R Tax.

Specific information regarding the M&R Tax can be found in the “Frequently Asked Questions” section of the Department’s website. In addition, the Department will be offering an “M&R Operator Training Program,” which will be noticed on the Department’s website.

For a full description of the tax collection and licensing obligations contained within the M&R Tax statute, please see RSA 78-A and N.H. Code of Admin. Rules, Rev 700.

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the N.H. Department of Revenue Administration, 109 Pleasant Street, Concord, NH 03301 or by contacting them at (603) 230-5000.