

DRAFT WINE RETAILER SHIPPING LEGISLATION

(Create a new section of the state's alcohol beverage code as follows)

SECTION (Section number or title)

1. Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in this or any other state as a wine retailer and who obtains a Wine Retailer Shipping Permit, as provided below, may ship up to eighteen nine-liter cases of wine annually to a resident of [State] who is at least 21 years of age for personal use only and not for resale.
2. To obtain a [State] Wine Retailer Shipping Permit, a wine retailer located out-of-state must first:
 - A) File an application with the Department of Alcoholic Beverage Control.
 - B) Pay a \$100.00 registration fee.
 - C) Submit to the Department of Alcohol Beverage Control a copy of its current alcoholic beverage license issued in its home state.
3. The holder of a [State] Wine Retailer Shipping Permit shall:
 - A) Not ship more than eighteen 9-liter cases of wine annually to any person in [State]
 - B) Not ship to any address in [State] in an area identified by the Department of Alcohol Beverage Control as a "dry" or local option area.
 - C) Label the outside of all shipping boxes of wine shipped directly to a resident in [State] as follows "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."
 - D) Report to the Department of Alcohol Beverage Control annually the total amount of wine shipped into [State] during the preceding calendar year.
 - E) Annually pay to the [State] Revenue Agency all applicable sales taxes due on sales of wine to residents of [State] during the preceding calendar year.
 - F) Allow the Department of Alcohol Beverage Control or any other state agency to perform an audit of Wine Retail Shipping permit holder's shipping records.

G) Agree to have consented to the jurisdiction of the Department of Alcohol Beverage Control or any other state agency and to the [State] courts concerning enforcement of this section and any related laws, rules or regulations.

H) Receive at the time of delivery of shipments of wine the signature of a person with a valid identification showing they are 21 years of age or older.

4. The Wine Retailer Shipping Permit holders may annually renew its permit with the Department of Alcohol Beverage Control by paying a \$100.00 renewal fee and providing the Department of Alcohol Beverage Control a copy of its current alcoholic beverage license issued in its home state.
5. The Department of Alcohol Beverage Control and the [State] Revenue Agency may promulgate rules and regulations to effectuate the purposes of this law.
6. This law shall take effect on [insert effective date]

(March 2019)