

MODEL DIRECT WINE SHIPMENT BILL

Add new Section ----- to the Alcohol Beverage Control Act as follows: Section ----

1. Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in this or any other state as a wine producer, supplier, importer, wholesaler, distributor or retailer who obtains a Wine Direct Shipper License, as provided below, may ship up to twenty-four (24) 9-liter cases of wine annually directly to a resident of [State] who is at least 21 years of age for such resident's personal use and not for resale.
2. Before sending any shipment to a resident of [State] the Wine Direct Shipper Licensee must first:
 - (a) File an application with the Department of Alcoholic Beverage Control (Department),
 - (b) pay a \$100.00 registration fee,
 - (c) provide to the Department a true copy of its current alcoholic beverage license issued in this or any other state, and
 - (d) obtain from the Department a Wine Direct Shipper License.
3. All Wine Direct Shipper Licensees shall:
 - (a) Not ship more than twenty-four (24) 9-liter cases of wine annually to any person for his personal use and not for resale.
 - (b) Not ship to any address in an area identified by the Department as a "dry" or local option area.
 - (c) Ensure that all containers of wine shipped directly to a resident in this state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."
 - (d) If located outside of this state, report to the Department annually the total amount of wine shipped into the state the preceding calendar year.
 - (e) If located outside of this state, annually pay to the [State Revenue Agency] all sales taxes and excise taxes due on sales to residents of [State] in the preceding calendar year, the amount of such taxes to be calculated as if the sale were in [State].
 - (f) If located within this state, provide the [State Revenue Agency] any additional information deemed necessary beyond that already required for retail sales from the winery tasting room to ensure compliance with this section.
 - (g) Permit the Department or the [State Revenue Agency] to perform an audit of the Wine Direct Shipper Licensees records upon request.
 - (h) Be deemed to have consented to the jurisdiction of the Department or any other state agency and the [State] courts concerning enforcement of this section and any related laws, rules or regulations.
4. The Wine Direct Shipper Licensee may annually renew its license with the Department by paying a \$50.00 renewal fee and providing the Department a true copy of its current alcoholic beverage license issued in this or any other state.

5. The Department and the [State Revenue Agency] may promulgate rules and regulations to effectuate the purposes of this law.
6. The Department may enforce the requirements of this section by administrative proceedings to suspend or revoke an Wine Direct Shipper License, and the Department may accept payment of an offer in compromise in lieu of suspension, such payments to be determined by rule promulgated by the Department.
7. Shipments of wine direct to consumers in [State] from persons who do not possess a current Wine Direct Shipper License from the Department are prohibited, Any person who knowingly makes, participates in, transports, imports or receives such a shipment is guilty of a misdemeanor punishable by [insert fine and/or jail].