

1 H.672

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Alcoholic beverages; prohibited acts; shipment of spirituous
6 beverages

7 Statement of purpose of bill as introduced: This bill proposes to allow the
8 producers of spirituous beverages to ship directly to consumers.

9 An act relating to shipment of spirituous beverages

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 7 V.S.A. § 66 is amended to read:

12 § 66. ~~MALT AND~~ VINOUS, MALT, AND SPIRITUOUS BEVERAGE

13 SHIPPING LICENSE; IN STATE; OUT OF STATE; PROHIBITIONS;

14 PENALTIES

15 (a) A manufacturer or rectifier of ~~vinous beverages or malt beverages~~

16 vinous beverages, malt beverages, or spirits licensed in Vermont may be

17 granted an in-state consumer shipping license by filing with the Department of

18 Liquor Control an application in a form required by the Department

19 accompanied by a copy of the applicant's current Vermont manufacturer's

20 license and the fee as required by subdivision 231(a)(7)(A) of this title. This

1 consumer shipping license may be renewed annually by filing the renewal fee
2 as required by subdivision 231(a)(7)(A) of this title accompanied by a copy of
3 the licensee's current Vermont manufacturer's license.

4 (b) A manufacturer or rectifier of ~~vinous beverages licensed or malt~~
5 ~~beverages~~ vinous beverages, malt beverages, or spirits licensed in another state
6 that operates a ~~winery or brewery~~ winery, brewery, or distillery in the United
7 States and holds valid state and federal permits and licenses may be granted an
8 out-of-state consumer shipping license by filing with the Department of Liquor
9 Control an application in a form required by the Department accompanied by
10 copies of the applicant's current out-of-state manufacturer's license and the fee
11 as required by subdivision 231(a)(7)(B) of this title. This consumer shipping
12 license may be renewed annually by filing the renewal fee as required by
13 subdivision 231(a)(7)(B) of this title accompanied by the licensee's current
14 out-of-state manufacturer's license. ~~For the purposes of~~ As used in this
15 subsection and subsection (c) of this section, "out-of-state" means any state
16 other than Vermont, any territory or possession of the United States, and does
17 not include a foreign country.

18 * * *

19 (d) Pursuant to a consumer shipping license granted under subsection (a) or
20 (b) of this section, the licensee may ship ~~vinous beverages or malt beverages~~
21 vinous beverages, malt beverages, or spirits produced by the licensee:

1 (1) Only to private residents for personal use and not for resale.

2 (2) No more than 12 cases containing no more than 29 gallons of vinous
3 ~~beverages or beverages~~, no more than 12 cases of malt beverages containing no
4 more than 36 gallons of malt beverages, or no more than six cases containing
5 no more than eight gallons of spirits to any one Vermont resident in any
6 calendar year.

7 * * *

8 (e) A holder of any shipping license granted pursuant to this section shall:

9 * * *

10 (4) report at least twice a year to the Department of Liquor Control if the
11 holder of a direct consumer shipping license and once a year if the holder of a
12 retail shipping license in a manner and form required by the Department all the
13 following information:

14 (A) the total amount of ~~vinous beverages or malt beverages~~ vinous
15 beverages, malt beverages, or spirits shipped into or within the State for the
16 preceding six months if a holder of a direct consumer shipping license or every
17 12 months if a holder of a retail shipping license;

18 * * *

19 (5) pay directly to the Commissioner of Taxes the amount of tax on the
20 ~~vinous beverages or malt beverages~~ vinous beverages, malt beverages, or
21 spirits shipped under this section pursuant to subsection 421(a) of this title, and

1 comply with the provisions of 32 V.S.A. chapter 233, 24 V.S.A. § 138, and
2 any other legally authorized local sales taxes. Delivery in this State shall be
3 deemed to constitute a sale in this State at the place of delivery and shall be
4 subject to all appropriate taxes levied by the State of Vermont;

5 * * *

6 (f) A common carrier shall not deliver ~~vinous beverages or malt beverages~~
7 vinous beverages, malt beverages, or spirits until it has complied with the
8 training provisions in subsections 239(a) and (b) of this title and been certified
9 by the Department of Liquor Control. No employee of a certified common
10 carrier may deliver ~~vinous beverages or malt beverages~~ vinous beverages, malt
11 beverages, or spirits until that employee completes the training provisions in
12 subsection 239(c) of this title. A common carrier shall deliver only ~~vinous~~
13 ~~beverages or malt beverages~~ vinous beverages, malt beverages, or spirits that
14 have been shipped by the holder of a license issued under this section or a
15 vinous beverage storage license issued under section 68 of this title.

16 * * *

17 (h) Direct shipments of ~~vinous beverages or malt beverages~~ vinous
18 beverages, malt beverages, or spirits are prohibited if the shipment is not
19 specifically authorized and in compliance with this section. Any person who
20 knowingly makes, participates in, imports, or receives a direct shipment of
21 ~~vinous beverages or malt beverages~~ vinous beverages, malt beverages, or

1 spirits from a person who is not licensed or certified as required by this section
2 may be fined not more than \$1,000.00 or imprisoned not more than one year,
3 or both.

4 (i) A licensee under this section or a common carrier that ships ~~vinous~~
5 ~~beverages or malt beverages~~ vinous beverages, malt beverages, or spirits to an
6 individual under 21 years of age shall be fined not less than \$1,000.00 or more
7 than \$3,000.00 or imprisoned not more than two years, or both.

8 * * *

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2014.