



NATIONAL CONFERENCE OF STATE LEGISLATURES

7700 EAST FIRST PLACE DENVER, COLORADO 80230
 303-364-7700 FAX: 303-364-7800

State Statutes regarding Direct Shipment of Alcohol from Manufacturers to Consumers
 December 1, 2020

State:	Statutory Provision:
Alabama <i>Prohibited</i>	Ala. Code §28-1-4 (b) It shall be unlawful for common or permit carriers, operators of trucks, buses or other conveyances or out-of-state manufacturers or suppliers to make delivery of any alcoholic beverage from without the state of Alabama to any person, association or corporation within the state, except to the Alabama Alcoholic Beverage Control Board and to manufacturers, importers, wholesalers and warehouses licensed by the Alabama Alcoholic Beverage Control Board to receive the alcoholic beverages so delivered. (c) Any violation of subsection (a) of this section shall be a misdemeanor, punishable as provided in paragraph (1) of subsection (b) of §28-3A-25.
Alaska	Type of Alcohol and Whether License or Permit Required: Alaska Stat. §04.11.140 Wine; requires winery license Maximum Amount for Shipping: Not more than 5 gallons. Direct Shipping License or Permit:

	<p>Alaska Stat. §04.11.140</p> <p>(a) A winery license authorizes the holder to operate a winery where wine is manufactured and bottled or barreled for sale.</p> <p>(b) The holder of a winery license may sell wine in quantities of (1) not more than 5 gallons (A) to an individual who is present on the licensed premises; or (B) by shipping to an individual if the shipment is not to an area that has prohibited the importation or possession of alcoholic beverages under this chapter or to an area that has limited the importation or possession of alcoholic beverages unless the sale complies with the limitation; (2) more than 5 gallons to a person who is licensed under this title, or in another state or country.</p> <p>(c) The holder of a winery license may permit a person to sample small portions of the wine free of charge unless prohibited by AS 04.16.030.</p> <p>(d) The biennial winery license fee is \$500.</p>
<p>Arizona</p>	<p>Type of Alcohol and Whether License or Permit Required: Ariz. Rev. Stat. Ann. §4-203.04 Wine; requires direct shipment license</p> <p>Maximum Amount for Shipping: F. Notwithstanding any other law, a licensee annually may sell and ship 9-liter cases of wine that is produced by the licensee directly to a purchaser in this state pursuant to all of the following: 1. The licensee may sell and ship: (a) Until Dec. 31, 2017, up to 6 nine-liter cases of wine. (b) Beginning Jan. 1, 2018, and until Dec. 31, 2018, up to 9 nine-liter cases of wine. (c) Beginning Jan. 1, 2019, and for each year thereafter, up to 12 nine-liter cases of wine.</p> <p>Direct Shipping License or Permit: Ariz. Rev. Stat. Ann. §4-203.04 A. The director may issue a direct shipment license to any winery that holds a federal basic permit issued by the U.S. Alcohol and Tobacco Tax and Trade Bureau and a current license to produce wine issued by this state or any other state. A farm winery licensed pursuant to §4-205.04 and a winery holding a producer's license or a limited producer's license issued by this state may also hold a direct shipment license. B. A person shall apply for a direct shipment license on a form prescribed and provided by the</p>

director. The director may charge an application issuance fee to be used for administrative costs associated with the direct shipment license. An application for a direct shipment license shall include: 1. The address of the premises where the applicant's principal place of business is located. 2. The name, address and telephone number of an officer of the applicant or an individual who is authorized to represent the applicant before the director. 3. A complete and full disclosure by the applicant and by any officer, director, administrator or controlling person of the applicant of any criminal convictions in any state or foreign jurisdiction within the five years immediately preceding the application. 4. The applicant's farm winery license, producer's license or limited producer's license number or, for a winery that is not currently licensed by this state, a copy of the winery's federal basic permit issued by the U.S. Alcohol and Tobacco Tax and Trade Bureau and a copy of that winery's current license to produce wine that is issued by another state. 5. The applicant's transaction privilege tax number issued by the department of revenue for the payment of transaction privilege taxes and luxury taxes on wine that is sold to purchasers in this state under the license.

C. The director may refuse to issue a direct shipment license for good cause. The director may not issue a direct shipment license to any person who: 1. Has had a direct shipment license or any other license to deal in spirituous liquor revoked in this state or any other state within one year preceding the application. 2. Has been convicted of a felony in this state or any other state or has been convicted of an offense in another state that would be a felony if convicted in this state within five years immediately preceding the application.

D. A direct shipment license is valid for 1 year. Direct shipment licenses may not be transferred. A person that holds a direct shipment license may apply for a renewal before the expiration of the person's current license. The director may charge a license renewal fee to be used for administrative costs associated with the direct shipment license, auditing and enforcement.

E. After notice and a hearing pursuant to title 41, chapter 6, article 10, the director may suspend, revoke or refuse to renew a direct shipment license for any violation of this section or for good cause. Any act or omission of a person who makes a sale or delivery of wine for a licensee under subsection F of this section is deemed to be an act or omission of the licensee for the purposes of §4-210, subsection A, paragraph 9. In lieu of suspension, revocation or refusal to renew a license, the director may impose a civil penalty pursuant to §4-210.01 against a licensee for each violation of this section. The licensee may appeal the finding or decision of the director to the board. The

board may affirm, modify or reverse the finding or decision of the director.

F. Notwithstanding any other law, a licensee annually may sell and ship 9-liter cases of wine that is produced by the licensee directly to a purchaser in this state pursuant to all of the following: 1. The licensee may sell and ship: (a) Until Dec. 31, 2017, up to 6 nine-liter cases of wine. (b) Beginning Jan. 1, 2018, and until Dec. 31, 2018, up to 9 nine-liter cases of wine. (c) Beginning Jan. 1, 2019, and for each year thereafter, up to 12 nine-liter cases of wine. 2. The wine may be ordered by any means, including telephone, mail, fax or the internet. 3. The wine is for personal use only and not for resale. 4. Before shipping the wine, the licensee shall verify the age of the purchaser who is placing the order by obtaining a copy of the purchaser's valid photo identification as prescribed in §4-241, subsection K demonstrating that the person is at least 21 years of age or by using an age verification service. 5. The wine may be shipped to a residential or business address but not to a premises licensed pursuant to this title. 6. All containers of wine shipped pursuant to this subsection shall be conspicuously labeled with the words "contains alcohol, signature of person age 21 or older required for delivery". 7. The licensee may not sell or ship wine to a purchaser pursuant to this subsection unless the purchaser could have carried the wine lawfully into or within this state. 8. The delivery must be made by a person who is at least 21 years of age. 9. The delivery must be made only during the hours of lawful service of spirituous liquor to a person who is at least 21 years of age. 10. The delivery must be made only after inspection of the valid photo identification as prescribed in §4-241, subsection K of the person accepting delivery that demonstrates that the person is at least 21 years of age. 11. Payment for the price of the wine must be collected by the licensee not later than at the time of delivery.

G. A licensee shall: 1. Not later than Jan. 31 of each year, file a report regarding the wine shipped to purchasers in this state during the preceding calendar year that includes the information required in paragraph 2 of this subsection. 2. Complete a record of each shipment at the time of shipment. The licensee shall ensure that the record provides the following information: (a) The name of the licensee making the shipment. (b) The address of the licensee making the shipment. (c) The license number. (d) The date of shipment. (e) The address at which delivery is to be made. (f) The amount shipped. 3. On request, allow the director or the department of revenue to perform an audit of the records of wine shipped to purchasers in this state. The director may request the licensee submit records to demonstrate compliance with this section. The licensee shall maintain records of each shipment of wine made to purchasers in this state for 2 years. 4. Be

deemed to have consented to the jurisdiction of the department, any other agency of this state, the courts of this state and all related laws, rules or regulations. 5. Pay the department of revenue all transaction privilege taxes and luxury taxes on sales of wine under the direct shipment license to purchasers in this state. For transaction privilege tax and luxury tax purposes, all wine sold pursuant to this section shall be deemed to be sold in this state. 6. Ship not more than the total number of nine-liter cases of wine authorized under subsection F, paragraph 1 of this section to any purchaser in this state in any calendar year for personal use.

H. A person who knowingly sells and ships wine directly to a purchaser in this state shall be deemed to have consented to the jurisdiction of the department, any other agency of this state, the courts of this state and all related laws, rules or regulations. A person who knowingly sells and ships wine directly to a purchaser in this state is guilty of a class 2 misdemeanor if either: 1. The person does not possess a current direct shipment license. 2. The person does not possess a current farm winery license for a winery that produces 20,000 gallons or less of wine in the previous calendar year.

I. Section 4-201 does not apply to licenses issued pursuant to this section.

J. Common carriers, other than railroads as defined in §40-201, that transport wine into and within this state shall: 1. Keep records of wine shipped to purchasers in this state, including the direct shipment licensee's name and address, the recipient's name and address, the shipment and delivery dates and the weight of wine shipped. 2. Remit the records kept pursuant to paragraph 1 of this subsection on request of the department.

K. Farm winery licensees under §4-205.04 that produced 20,000 gallons of wine or less in the preceding calendar year may ship wine directly to purchasers in this state pursuant to §4-205.04 and are exempt from the requirements of this section, including the case limitations prescribed in subsection F of this section.

L. The director shall begin issuing direct shipment licenses pursuant to this section not later than Jan. 1, 2017.

Type of Alcohol and Whether License or Permit Required:

Ariz. Rev. Stat. Ann. §4-205.04

Wine; requires domestic farm winery license

	<p>Direct Shipping License or Permit: Ariz. Rev. Stat. Ann. §4-205.04 C. A person may be licensed as a farm winery to sell wine produced or manufactured if in a calendar year it produces at least 200 gallons and not more than 40,000 gallons of wine and if the winery either holds a winery permit issued by the U.S. Alcohol and Tobacco Tax and Trade Bureau or has a contract pursuant to subsection E of this section for the production or manufacturing of wine from grapes or other fruit grown on at least 5 producing acres of land owned or controlled by the applicant and the land has been devoted to fruit growing for at least 3 consecutive calendar years. A licensed farm winery may make sales and deliveries of wine only as specifically provided in this section and as follows: 9. A licensed farm winery that produces not more than 20,000 gallons of wine in a calendar year may make sales and deliveries of wine that the licensed farm winery produces to consumers off of the licensed premises and that is ordered by telephone, mail, fax or catalogue, through the internet or by other means if all of the following apply: (a) The purchaser of the wine provided the licensed farm winery with verification of the purchaser's legal age to purchase alcohol. (b) The shipping container in which the wine is shipped is marked to require the signature on delivery of an adult who is of legal age to purchase alcohol and delivery confirmation. (c) The wine is for personal use only and not for resale. (d) The wine is delivered by the licensed farm winery or shipped by the licensed farm winery by a common carrier to a residential or business address other than a premises licensed pursuant to this title. (e) The purchaser could have carried the wine lawfully into or within this state. (f) The delivery is made by a person who is at least twenty-one years of age. (g) The farm winery collects payment for the price of the spirituous liquor no later than at the time of delivery.</p>
<p>Arkansas <i>Consumer must be present at purchase unless shipping by a small farm winery licensee</i></p>	<p>Type of Alcohol and Whether License or Permit Required: Ark. Stat. Ann. §3-5-1701 <i>et seq.</i> "Vinous liquor" means the fermented juices of fruits containing more than 5% and not more than 21% of alcohol by weight. Ark. Stat. Ann. §3-5-1704 (a) A consumer must: (1) Be physically present at the winery to purchase the vinous liquor to be shipped into or within the state; and (2) Provide identification to the winery proving that he or</p>

she is 21 years of age or older.

Ark. Stat. Ann. §3-5-1705

(a) A winery shall ship only a vinous liquor to a private residence.

(b) A winery may only ship one case of vinous liquor per consumer in any calendar quarter.

(c)(1) A shipment of a vinous liquor shall have a shipping label provided by the Alcoholic Beverage Control Division affixed to the shipping package. (2) The fee for each label for a shipment shall not exceed \$10.

Ark. Stat. Ann. §3-5-1706

A winery shall have the vinous liquor delivered to an Arkansas consumer during the hours of the day that alcoholic beverages may be purchased in the state.

Maximum Amount for Shipping:

1 case of vinous liquor per consumer in any calendar quarter

Direct Shipping License or Permit:

Ark. Stat. Ann. §3-5-1703

(a)(1) Unless registered under this subchapter, a winery licensed by this state or the state where its principal place of business is located shall not ship vinous liquor to an Arkansas consumer. (2) This section does not apply to a small farm winery licensed under §3-5-1601 *et seq.*

(b) Prior to the winery's first shipment into or within the state, the winery shall: (1) Register with the Alcoholic Beverage Control Division; (2) Provide the division with a copy of the winery's current license to manufacture wine issued by: (A) The state of domicile; and (B) The Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury; and (3) Pay a registration fee of \$25.

(c) A winery shall renew its application each year with the division by: (1) Providing the division with a copy of the licenses required under subdivision (b)(2) of this section; and (2) Paying a renewal fee of \$25.

Ark. Stat. Ann. §3-5-1709

	<p>(a)(1) A small farm winery licensee with a wine wholesale permit under §3-5-1602(c)(1)(E) may ship small farm winery wine under this subchapter to a private resident without the private resident having been physically present or having made an in-person purchase at the small farm winery if the shipment includes only small farm winery wine. (2) Additional shipping registration of a small farm winery is not required for a shipment under subdivision (a)(1) of this section.</p> <p>(b) A private resident shall provide identification to the small farm winery proving that he or she is 21 years of age or older.</p> <p>(c) A small farm winery may ship only 1 case of small farm winery wine per private resident in any month.</p> <p>(d) A small farm winery shipping under this subchapter shall ensure that all containers of small farm winery wine delivered within this state are conspicuously labeled as follows: “CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY.”</p> <p>(e)(1) A small farm winery shall collect all sales taxes and excise taxes due on a sale to an individual of this state as if the sale took place on the premises of the small farm winery, including without limitation taxes under §§3-5-1605, 3-7-104, 3-7-111, and 3-7-201. (2) Taxes collected by the small farm winery shall be submitted to the Department of Finance and Administration as directed without limitation under §§3-5-1605, 3-7-104, 3-7-111, and 3-7-201. (3) A small farm winery shall source the collection of sales and use taxes to the purchaser's delivery address in accordance with §26-52-521(b)(2).</p> <p>(f) A small farm winery that makes a direct shipment of small farm winery wine under this section shall maintain records regarding each shipment of small farm winery wine that include the: (1) Name and address of the person to whom the small farm winery wine is: (A) Sold; and (B) Billed; and (2) Date of shipment.</p>
<p>California</p>	<p>Type of Alcohol and Whether License or Permit Required: Cal. Business & Professions Code §23661.3 Wine; requires wine direct shipper permit</p> <p>Direct Shipping License or Permit: Cal. Business & Professions Code §23661.3 (a) Notwithstanding any law, rule, or regulation to the contrary, any person currently licensed in this state or any other state as a winegrower who obtains a wine direct shipper permit pursuant</p>

to this section may sell and ship wine directly to a resident of California, who is at least 21 years of age, for the resident's personal use and not for resale.

Before sending any shipment to a resident of California, the wine direct shipper permitholder must: (1) File an application with the department. (2) Pay the application fee as specified in subdivision (a) of §23320 if the winegrower is not currently licensed by the department. (3) Provide the department its California alcoholic beverage license number or a true copy of its current alcoholic beverage license issued by another state. (4) Obtain from the department a wine direct shipper permit. (5) Obtain a seller's permit or register with the State Board of Equalization pursuant to Part 1 (commencing with §6001) of Division 2 of the Revenue and Taxation Code.

(b) A wine direct shipper permit authorizes the permitholder to do all of the following: (1) Sell and ship wine to any person 21 years of age or older for their personal use and not for resale. (2) Ship wine directly to a resident in this state only in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY." (3) Ship wine only if the permitholder requires the carrier to obtain the signature of any individual 21 years of age or older before delivering any wine shipped to an individual in this state. (4) If the permitholder is located outside of this state, report to the department no later than Jan. 31 of each year, the total amount of wine shipped into the state during the preceding calendar year under the wine direct shipper permit. (5) If the permitholder is located outside of this state, pay to the State Board of Equalization all sales and use taxes, and excise taxes on sales to residents of California under the wine direct shipper permit. For excise tax purposes, all wine sold pursuant to a direct shipper permit shall be deemed to be wine sold in this state. (6) If located within this state, provide the department any necessary additional information not currently provided to ensure compliance with this section. (7) Permit the department or the State Board of Equalization to perform an audit of the wine direct shipper permitholder's records upon request. (8) Be deemed to have consented to the jurisdiction of the department or any other state agency and the California courts concerning enforcement of this section any related laws, rules, or regulations.

(c) A wine direct shipper permitholder located outside of the state may annually renew its permit with the department by paying an annual fee as specified in subdivision (b), and adjusted pursuant to subdivisions (d) and (e) of §23320 and providing the department with a true copy of its current alcoholic beverage license issued by another state. A wine direct shipper permitholder

	<p>located in California shall renew its wine direct shipper permit in conjunction with its master license. For purposes of this section, “master license” means a winegrower's license issued by the department.</p> <p>(d) The department and the State Board of Equalization may promulgate rules and regulations to effectuate the purposes of this law.</p> <p>(e) The department may enforce the requirements of this section by administrative proceedings to suspend or revoke the wine direct shipper permit, and the department may accept payment of an offer in compromise in lieu of suspension as provided by this division. Any hearing held pursuant to Chapter 5 (commencing with §11500) of Part 1 of Division 3 of Title 2 of the Government Code against a permitholder outside of California shall be held in Sacramento.</p> <p>(f) Sales and shipments of wine direct to consumers in California from winegrowers who do not possess a current wine direct shipper permit from the department are prohibited. Any person who knowingly makes, participates in, transports, imports, or receives such a shipment is guilty of a misdemeanor pursuant to §25617.</p>
<p>Colorado</p>	<p>Type of Alcohol and Whether License or Permit Required: Colo. Rev. Stat. §44-3-104 Wine; requires winery direct shipper’s permit</p> <p>Direct Shipping License or Permit: Colo. Rev. Stat. §12-47-104</p> <p>(1)(a) The holder of a winery direct shipper's permit may sell and deliver wine that is produced or bottled by the permittee to a personal consumer located in Colorado. (b) The holder of a winery direct shipper's permit may not sell or ship wine to a minor, as defined in §2-4-401(6).</p> <p>(2) A winery direct shipper's permit may be issued to only a person who applies for such permit to the state licensing authority and who: (a) Operates a winery located in the United States and holds all state and federal licenses, permits, or both, necessary to operate the winery, including the federal winemaker's and blender's basic permit; (b) Expressly submits to personal jurisdiction in Colorado state and federal courts for civil, criminal, and administrative proceedings and expressly submits to venue in the city and county of Denver, Colo., as proper venue for any proceedings that may be initiated by or against the state licensing authority; and (c) Except as provided in §§44-3-402(1) and 44-3-407(3), does not directly or indirectly have any financial</p>

	<p>interest in a Colorado wholesaler or retailer licensed pursuant to §44-3-407, §44-3-409, or §44-3-410.</p> <p>(3)(a) All wine sold or shipped by the holder of a winery direct shipper's permit shall be in a package that is clearly and conspicuously labeled, showing that: (I) The package contains wine; and (II) The package may be delivered only to a person who is 21 years of age or older. (b) Wine sold or shipped by a holder of a winery direct shipper's permit may not be delivered to any person other than: (I) The person who purchased the wine; (II) A recipient designated in advance by such purchaser; or (III) A person who is 21 years of age or older. (c) Wine may be delivered only to a person who is 21 years of age or older after the person accepting the package: (I) Presents valid proof of identity and age; and (II) Personally signs a receipt acknowledging delivery of the package.</p> <p>(4) The holder of a winery direct shipper's permit shall maintain records of all sales and deliveries made under the permit in accordance with §44-3-701.</p> <p>(5) A personal consumer purchasing wine from the holder of a winery direct shipper's permit may not resell the wine.</p> <p>(6) The state licensing authority may adopt rules and forms necessary to implement this section. Colo. Rev. Stat. §44-3-403</p> <p>(2) A limited winery licensee is authorized:</p> <p>(b) To sell vinous liquors of its own manufacture within this state at wholesale, at retail, or to personal consumers, including, if the limited winery also has received a winery direct shipper's permit under §44-3-104, sales to be delivered by common carrier or by the limited winery licensee to personal consumers in accordance with all requirements in §44-3-104.</p>
<p>Connecticut</p>	<p>Type of Alcohol and Whether License or Permit Required: Conn. Gen. Stat. §30-16 Wine, cider and mead; requires manufacturer permit for farm winery</p> <p>Maximum Amount for Shipping: Cannot ship more than 5 gallons of wine in any 2-month period to any person in this state.</p> <p>Direct Shipping License or Permit: (c) (1) A manufacturer permit for a farm winery shall be in all respects the same as a manufacturer</p>

permit, except that the scope of operations of the holder shall be limited to wine and brandies distilled from grape products or other fruit products, including grappa and eau-de-vie. As used in this section, "farm winery" means any place or premises that is located on a farm in the state in which wine is manufactured and sold. (2) Such permit shall, at the single principal premises of the farm winery, authorize (A) the sale in bulk by the holder thereof from the premises where the products are manufactured pursuant to such permit; (B) as to a manufacturer who produces 100,000 gallons of wine or less per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by the farm winery permittee in the original sealed containers of not more than 15 gallons per container; (C) the sale and shipment by the holder thereof of wine manufactured by the farm winery permittee to persons outside the state; (D) the offering and tasting of free samples of such wine or brandy, dispensed out of bottles or containers having capacities of not more than 2 gallons per bottle or container, to visitors and prospective retail customers for consumption on the premises of the farm winery permittee; (E) the sale at retail from the premises of sealed bottles or other sealed containers of such wine or brandy for consumption off the premises; (F) the sale at retail from the premises of wine or brandy by the glass and bottle to visitors on the premises of the farm winery permittee for consumption on the premises; and (G) subject to the provisions of subdivision (3) of this subsection, the sale and delivery or shipment of wine manufactured by the permittee directly to a consumer in this state. Notwithstanding the provisions of subparagraphs (D), (E) and (F) of this subdivision, a town may, by ordinance or zoning regulation, prohibit any such offering, tasting or selling at retail at premises within such town for which a manufacturer permit for a farm winery has been issued. (3) A permittee, when selling and shipping wine directly to a consumer in this state, shall: (A) Ensure that the shipping labels on all containers of wine shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL--SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (B) obtain the signature of a person age 21 or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age 21 or older by providing a valid motor vehicle operator's license or a valid identity card described in §1-1h; (C) not ship more than 5 gallons of wine in any 2-month period to any person in this state; (D) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 2191 and 2202 on sales of wine to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales; (E)

report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (F) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to §30-9; and (G) hold an in-state transporter's permit pursuant to §30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit. . .

(d) (1) A manufacturer permit for wine, cider and mead shall allow the manufacture of wine, cider not exceeding 6% alcohol by volume, apple wine not exceeding 15% alcohol by volume, apple brandy, eau-de-vie and mead and the storage, bottling and wholesale distribution and sale of wine, cider not exceeding 6% alcohol by volume, apple wine not exceeding 15% alcohol by volume, apple brandy, eau-de-vie and mead manufactured or bottled by the permit holder to permittees in this state and without the state as may be permitted by law; but no such permit shall be granted unless the place or the plan of the place of manufacture has received the approval of the Department of Consumer Protection.

(d) (3) A permittee, when selling and shipping a product produced pursuant to this permit, directly to a consumer in this state, shall: (A) Ensure that the shipping labels on all containers of such products shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL--SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (B) obtain the signature of a person age 21 or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age 21 or older by providing a valid motor vehicle operator's license or a valid identity card described in §1-1h; (C) not ship more than 5 gallons of product produced pursuant to this permit in any 2-month period to any person in this state; (D) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of products produced pursuant to this permit to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales; (E) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (F) not ship to any address in the state where the sale of alcoholic liquor is

prohibited by local option pursuant to §30-9; and (G) hold an in-state transporter's permit pursuant to §30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit.

Type of Alcohol and Whether License or Permit Required:

Conn. Gen. Stat. §30-18

Wine; requires out-of-state shipper permit

Maximum Amount for Shipping:

Cannot ship more than 5 gallons of wine in any 2-month period to any person in this state and cannot ship any wine until such permittee is registered, with respect to the permittee's sales of wine to consumers in this state, for purposes of the taxes imposed under chapters 219 and 220, with the Department of Revenue Services.

Direct Shipping License or Permit:

Conn. Gen. Stat. §30-18

(a) An out-of-state shipper's permit for alcoholic liquor other than beer shall allow the sale of such alcoholic liquor to manufacturer and wholesaler permittees in this state as permitted by law and, as to any out-of-state shipper operating a farm winery who produces not more than 100,000 gallons of wine per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by such permittee on the permitted premises in the original sealed containers of not more than 15 gallons per container. The permit premises of an out-of-state shipper's permit for alcoholic liquor may be located within this state or outside this state. The annual fee for an out-of-state shipper's permit for alcoholic liquor other than beer shall be \$90 for a Connecticut manufacturer or wholesaler holding such a permit and shall be \$1,250 for any other person holding such a permit. For purposes of this subsection, "farm winery" means any place or premises, located on a farm in which wine is manufactured and sold provided not less than 25% of the fruit used in the manufacture of such wine is produced on such farm.

(b) Subject to the provisions of this subsection, an out-of-state shipper's permit for alcoholic liquor other than beer shall allow the sale and delivery or shipment of wine manufactured by the permittee on the permitted premises directly to a consumer in this state. Such permittee, when

selling and shipping wine directly to a consumer in this state, shall: (1) Ensure that the shipping labels on all containers of wine shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the signature of a person age 21 or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age 21 or older by providing a valid motor vehicle operator's license or a valid identity card described in §1-1h; (3) not ship more than 5 gallons of wine in any two-month period to any person in this state and not ship any wine until such permittee is registered, with respect to the permittee's sales of wine to consumers in this state, for purposes of the taxes imposed under chapters 219 and 220, with the Department of Revenue Services; (4) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of wine to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales, with the amount of such taxes to be calculated as if the sale were in this state at the location where delivery is made; (5) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (6) permit the Department of Consumer Protection and Department of Revenue Services, separately or jointly, to perform an audit of the permittee's records upon request; (7) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to §30-9; (8) hold an in-state transporter's permit pursuant to §30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit; and (9) execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning the enforcement of this section and any related laws, rules, or regulations, including, but not limited to, tax laws, rules or regulations.

€ The Department of Consumer Protection, in consultation with the Department of Revenue Services, may adopt regulations, in accordance with the provisions of chapter 54, to assure compliance with the provisions of subsection (b) of this section.

(d) A holder of an out-of-state shipper's permit for alcoholic liquor other than beer, when advertising or offering wine for direct shipment to a consumer in this state via the Internet or any other on-line computer network, shall clearly and conspicuously state such liquor permit number in its advertising.

(e)(1) For purposes of chapter 219, the holder of an out-of-state shipper's permit for alcoholic liquor other than beer, when shipping wine directly to a consumer in this state, shall be deemed to be a retailer engaged in business in this state, as defined in chapter 219, and shall be required to be issued a seller's permit pursuant to chapter 219. (2) For purposes of chapter 220, the holder of an out-of-state shipper's permit for alcoholic liquor other than beer, when shipping wine directly to a consumer in this state, shall be deemed to be a distributor as defined in chapter 220 and shall be required to be licensed pursuant to chapter 220.

(f) As used in this section, "out-of-state" means any state other than Connecticut, any territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, but does not include any foreign country.

Type of Alcohol and Whether License or Permit Required:

Conn. Gen. Stat. §30-18a

Wine; requires out-of-state wine shipper permit

Maximum Amount for Shipping:

Cannot ship more than 5 gallons of wine in any 2-month period to any person in this state and not ship any wine until such permittee is registered, with respect to the permittee's sales of wine to consumers in this state, for purposes of the taxes imposed under chapters 2191 and 220, with the Department of Revenue Services

Direct Shipping License or Permit:

Conn. Gen. Stat. §30-18a

(a) (1) An out-of-state winery shipper's permit for wine shall allow the sale of wine to manufacturer and wholesaler permittees in this state as permitted by law and for those shippers that produce not more than 100,000 gallons of wine per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by such permittee in the original sealed containers of not more than 15 gallons per container. For purposes of this section, "wine" shall include cider not exceeding 6% alcohol by volume and apple wine not exceeding 15% alcohol by volume. (2) An out-of-state retailer shipper's permit for wine shall allow the sale and shipment of wine directly to a consumer in this state.

(b) Subject to the provisions of this subsection, the permits under subsection (a) of this section shall allow the sale and delivery or shipment of wine manufactured or sold by the permittee directly to a consumer in this state. Such permittee, when selling and shipping wine directly to a consumer in this state, shall: (1) Ensure that the shipping labels on all containers of wine shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the signature of a person age 21 or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age 21 or older by providing a valid motor vehicle operator's license or a valid identity card described in §1-1h; (3) not ship more than 5 gallons of wine in any 2-month period to any person in this state and not ship any wine until such permittee is registered, with respect to the permittee's sales of wine to consumers in this state, for purposes of the taxes imposed under chapters 2191 and 220, with the Department of Revenue Services; (4) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of wine to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales, with the amount of such taxes to be calculated as if the sale were in this state at the location where delivery is made; (5) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (6) permit the Department of Consumer Protection and Department of Revenue Services, separately or jointly, to perform an audit of the permittee's records upon request; (7) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to §30-9; (8) hold an in-state transporter's permit pursuant to §30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit; (9) execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning the enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and (10) comply with the provisions of §30-68m regarding the prohibition of selling wine below cost.

(c) The Department of Consumer Protection, in consultation with the Department of Revenue Services, may adopt regulations in accordance with the provisions of chapter 543 to assure compliance with the provisions of subsection (b) of this section.

	<p>(d) A holder of a permit under subsection (a) of this section, when advertising or offering wine for direct shipment to a consumer in this state via the Internet or any other on-line computer network, shall clearly and conspicuously state such liquor permit number in its advertising.</p> <p>(e) (1) For purposes of chapter 219, the holder of a permit under subsection (a) of this section, when shipping wine directly to a consumer in this state, shall be deemed to be a retailer engaged in business in this state as defined in chapter 219 and shall be required to be issued a seller's permit pursuant to chapter 219. (2) For purposes of chapter 220, the holder of a permit under subsection (a) of this section, when shipping wine directly to a consumer in this state, shall be deemed to be a distributor as defined in chapter 220 and shall be required to be licensed pursuant to chapter 220.</p> <p>(f) Any person who applies for an out-of-state winery shipper's permit for wine or for the renewal of such permit shall furnish an affidavit to the Department of Consumer Protection, in such form as may be prescribed by the department, affirming whether the out-of-state winery that is the subject of such permit produced more than 100,000 gallons of wine during the most recently completed calendar year.</p> <p>(g) The annual fee for an out-of-state winery shipper's permit for wine shall be \$315 and the annual fee for an out-of-state retailer shipper's permit for wine shall be \$600.</p> <p>(h) As used in this section, "out-of-state" means any state other than Connecticut, any territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, but does not include any foreign country.</p>
<p>Delaware <i>Shipments must be delivered to a wholesaler, then delivered to consumer by a retail license</i></p>	<p>Type of Alcohol and Whether License or Permit Required: Del. Code Ann. tit. 4, §526 Wine or beer; requires a direct shipper license. Direct shippers must deliver the wine and beer by common carrier to a Delaware wholesaler, who will in turn deliver the shipment to a holder of a Delaware off-premises retail license. The retail licensee must then deliver the wine or beer to the resident in a manner consistent with this title and as set forth by commissioner rules.</p> <p>Maximum Amount for Shipping: The total amount of sparkling wine or still wine purchased in 1 calendar year by the resident may not exceed 60 750-milliliter bottles per calendar year. The total amount of beer purchased in 1</p>

calendar year by the resident may not exceed 6 cases of 12-ounce bottles or the equivalent.

Direct Shipping License or Permit:

Del. Code Ann. tit. 4, §526

(a) Notwithstanding any other provision in this title, a natural person who is a Delaware resident may purchase sparkling wine, still wine and beer that is not readily available to consumers throughout the state directly from a manufacturer or retailer of such beverages domiciled outside of Delaware provided that the following apply: (1) The resident is 21 years of age or older; (2) The sparkling wine, still wine or beer is for the resident's personal consumption and not for resale; (3) The total amount of sparkling wine or still wine purchased in one calendar year by the resident may not exceed 60 750-milliliter bottles per calendar year; (4) The total amount of beer purchased in one calendar year by the resident may not exceed 6 cases of 12 ounce bottles or the equivalent; (5) The manufacturer or retailer engaging in such direct sales holds a valid manufacturer's or retailer's license issued by the state of its domicile; (6) The package in which the sparkling wine, still wine or beer is shipped is prominently labeled as containing alcoholic beverages; (7) The package in which such sparkling wine, still wine or beer is shipped is received by a person 21 years of age or older; (8) The package in which such sparkling wine, still wine or beer is shipped contains an invoice indicating the date of the shipment, providing a full and complete description of all items included in the shipment, and stating the price thereof.

(b) A person who is licensed in its state of domicile as an alcoholic beverage manufacturer, importer, wholesaler or licensee and who may legally ship alcoholic beverages out of state may apply to the commissioner for a direct shipper license. Only a person holding a direct shipper license may accept an order for the purchase of sparkling wine, still wine and/or beer from a natural person who is a Delaware resident. The license fee for a direct shipper shall be determined by the commissioner. The amount of the fee must approximate and reasonably reflect the costs necessary to defray the expenses of the commissioner's service and activities in connection with this section.

(c) All persons licensed under this section to ship wine and beer shall pay a tax on all wine and beer sold to residents in this State at the rates set forth in §581(d) of this title. Taxes levied by §581(d) of this title shall be collected, as far as practical, from the direct shipper in the manner set forth by the commissioner. If for any reason the direct shipper who first handles the taxable beer

	<p>and wine to be shipped to Delaware has escaped payment of taxes, those taxes shall be collected from any person in whose hands the taxable beer and wine is found. In no case, however, shall there be a duplication.</p> <p>(d) Direct shippers shall file invoices for each shipment with the commissioner showing the retail price of the product, the quantity shipped, the customer's name and address and the tax collected and paid to the state. Such filings shall be quarterly and arrive at the commissioner no later than the 10th of March, June, September and December. Direct shippers shall maintain the records for at least 3 years.</p> <p>(e) Under no circumstance may the wine or beer be shipped directly to the resident. Direct shippers must deliver the wine and beer by common carrier to a Delaware wholesaler, who will in turn deliver the shipment to a holder of a Delaware off-premises retail license. The retail licensee must then deliver the wine or beer to the resident in a manner consistent with this title and as set forth by commissioner rules. The direct shipper shall pay a handling fee in the amount of \$4 per case or partial case of wine and \$2 per case or partial case of beer to the wholesaler who receives the shipment on behalf of the Delaware resident. The wholesaler shall then remit to the retail licensee one-half of the total handling fee.</p>
<p>District of Columbia</p>	<p>Type of Alcohol and Whether License or Permit Required: D.C. Code Ann. §25-772 Wine, spirits or beer; requires manufacturer's, wholesaler's, common carrier's or retailer's license</p> <p>Maximum Amount for Shipping: Cannot exceed 1 case per location in any one calendar month for delivery to any 1 person.</p> <p>Direct Shipping License or Permit: D.C. Code Ann. §25-772 (a) Only a licensee under a manufacturer's, wholesaler's, or common carrier's license, or retailer's license under a validly issued import permit shall transport, import, bring, or ship or cause to be transported, imported, brought, or shipped into the district from outside the district any wines, spirits, or beer in a quantity in excess of 1 case at any 1 time. (b) No public or common carrier shall transport or bring into the district wine, spirits, or beer in a quantity in excess of 1 case per location in any 1 calendar month for delivery to any 1 person in</p>

	<p>the district other than the licensee under a manufacturer's, wholesaler's, or retailer's license.</p> <p>(c) This section shall not apply to persons possessing old stocks who are moving into the district, to embassies or diplomatic representatives of foreign countries, to wines imported for religious or sacramental purposes, to wine, spirits, and beer to be delivered to the licensee under a manufacturer's, wholesaler's, or retailer's license, or to any persons wishing to have liquor chocolates delivered to their residence. The term "liquor chocolates" may include other types of candies that have small amounts of liquor contained in the candy.</p> <p>(d) The penalty for violation of this section shall consist of (1) the forfeiture of the beverages transported, imported, brought, or shipped, or caused to be transported, imported, brought, or shipped in violation of this section, and (2) a fine of not more than the amount set forth in [§22-3571.01] or imprisonment for not more than 6 months.</p> <p>(e) In addition to other penalties provided in this section, any person who violates the provisions of this section shall be liable for any tax, penalties, and interest provided for in this title.</p>
<p>Florida</p>	<p>Type of Alcohol and Whether License or Permit Required: Fla. Stat. §561.545 Alcoholic beverages; requires manufacturer's, wholesaler's license or exporter's registration issued by the Division of Alcoholic Beverages and Tobacco</p> <p>Direct Shipping License or Permit: Fla. Stat. §561.545 The Legislature finds that the direct shipment of alcoholic beverages by persons in the business of selling alcoholic beverages to residents of this state in violation of the Beverage Law poses a serious threat to the public health, safety, and welfare; to state revenue collections; and to the economy of the state. The Legislature further finds that the penalties for illegal direct shipment of alcoholic beverages to residents of this state should be made adequate to ensure compliance with the Beverage Law and that the measures provided for in this section are fully consistent with the powers conferred upon the state by the 21st Amendment to the U.S. Constitution.</p> <p>(1) Any person in the business of selling alcoholic beverages who knowingly and intentionally ships, or causes to be shipped, any alcoholic beverage from an out-of-state location directly to any person in this state who does not hold a valid manufacturer's or wholesaler's license or exporter's registration issued by the Division of Alcoholic Beverages and Tobacco or who is not a state-</p>

	<p>bonded warehouse is in violation of this section.</p> <p>(2) Any common carrier or permit carrier or any operator of a privately owned car, truck, bus, or other conveyance who knowingly and intentionally transports any alcoholic beverage from an out-of-state location directly to any person in this state who does not hold a valid manufacturer's or wholesaler's license or exporter's registration or who is not a state-bonded warehouse is in violation of this section.</p> <p>(3) Any person found by the division to be in violation of subsection (1) shall be issued a notice, by certified mail, to show cause why a cease and desist order should not be issued. Any person who violates subsection (1) within 2 years after receiving a cease and desist order or within 2 years after a prior conviction for violating subsection (1) commits a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.</p> <p>(4) Any common carrier or permit carrier, or any operator of a privately owned car, truck, bus, or other conveyance found by the division to be in violation of subsection (2) as a result of a second or subsequent delivery from the same source and location, within a 2-year period after the first delivery shall be issued a notice, by certified mail, to show cause why a cease and desist order should not be issued. Any person who violates subsection (2) within 2 years after receiving the cease and desist order or within 2 years after a prior conviction for violating subsection (2) commits a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.</p> <p>(5) This section does not apply to the direct shipment of sacramental alcoholic beverages to bona fide religious organizations as authorized by the division or to possession of alcoholic beverages in accordance with §562.15(2).</p>
<p>Georgia</p>	<p>Type of Alcohol and Whether License or Permit Required: Ga. Code §3-6-30 <i>et seq.</i> Wine; requires a special order shipping license</p> <p>Maximum Amount for Shipping: Cannot exceed 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.</p> <p>Direct Shipping License or Permit: Ga. Code §3-6-31</p>

- (a) For purposes of this Code section, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit.
- (b) Notwithstanding any other provision of this title to the contrary, any shipper which is also a winery may be authorized to make direct shipments of wine to consumers in this state, without complying with the provisions of Code §3-6-22, upon obtaining a special order shipping license from the commissioner pursuant to this Code section.
- (c) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this title and the regulations promulgated pursuant to this title, and upon payment of the license fee designated for retail dealers in Code §3-6-20.
- (d) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state without designating wholesalers as required by Code §3-6-22, provided that: (1) The holder of a special order shipping license shall only ship brands of wine for which the holder has submitted labels to the commissioner; (2) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year; (3) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order state affirmatively that he or she is of the age required by Code §3-3-23 and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service; (4) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this title; and (5) Every shipment of wine by the holder of a special order shipping license shall be clearly marked "Alcoholic Beverages, Adult Signature Required," and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.
- (e) The failure to comply strictly with the requirements of this Code section, Code §3-3-23, and all applicable provisions of this title and regulations promulgated pursuant to this title shall be grounds for the revocation of a special order shipping license or other disciplinary action by the commissioner. Upon revocation of a special order shipping license for shipment of wine to a person not of age as required by Code §3-3-23, such winery shall not be issued any special order

shipping license pursuant to this Code section for a period of five years from the date of revocation.

(f) The holder of a special order shipping license shall collect all excise taxes imposed by Code §3-6-50, shall remit such taxes in the same manner as licensed wine wholesalers, and shall accompany such remittance with such reports, documentation, and other information as may be required by the commissioner. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall: (1) Agree to collect and to pay applicable Georgia state and local sales tax on each sale shipped to a consumer in Georgia; (2) Accompany each remittance with such sales tax reports, documentation, and other information as may be required by the commissioner; and (3) Consent to enforcement of the provisions of this Code section by the department and to the jurisdiction of the courts of Georgia for the collection of such taxes or other moneys owing, including interest and penalties.

(g) The commissioner may promulgate such rules and regulations as are necessary and appropriate for the enforcement of this Code section.

Type of Alcohol and Whether License or Permit Required:

Ga. Code §3-6-32

(a) Notwithstanding any other provision of this title to the contrary, a winery located within this state or outside this state that holds a federal basic wine manufacturing permit, whether licensed under this title or not and without regard to brand or label registrations or designations of wholesalers pursuant to Code §3-6-22, shall be permitted to ship wine directly to consumers in this state for personal or household use under the following circumstances: (1) The consumer must purchase the wine while physically present on the premises of the winery; (2) The winery must verify that the consumer purchasing the wine is of the age required by Code §3-3-23 and is not licensed pursuant to this title; and (3) No winery shall ship in excess of 5 cases of any brand or combination of brands to any one consumer or any one address in this state in any calendar year.

(b) The commissioner may promulgate such rules and regulations as are necessary and appropriate for the enforcement of this Code section.

Maximum Amount for Shipping:

	Cannot exceed 5 cases of any brand or combination of brands to any one consumer or any 1 address in this state in any calendar year.
Guam	<i>Not specified in statutes</i>
Hawaii	<p>Type of Alcohol and Whether License or Permit Required: Hawaii Rev. Stat. §281-33.1 Liquor; requires individual permit for single shipment</p> <p>Maximum Amount for Shipping: Cannot exceed 5 gallons, (19 liters) Unsolicited gifts limited to 3.2 gallons (12 liters) in total of all kinds of liquor</p> <p>Direct Shipping License or Permit: Hawaii Rev. Stat. §281-33.1 (a) Notwithstanding any other provisions of law, any unlicensed adult person may apply to the liquor commission and be issued, for a nominal fee, except as hereinafter provided, a permit to receive a single shipment of liquor from outside the state, not to exceed 5 gallons, (19 liters), for use and consumption by the applicant and the applicant's household and not for sale in any form. (b) In the case of a shipment that the applicant shows is an unsolicited gift, the quantities permitted to be received under subsection (a) shall be limited to 3.2 gallons (12 liters) in total of all kinds of liquor. (c) In the case of a shipment in respect of which the applicant shows to the liquor commission that the liquor was prior to the date of the application the personal property of the applicant, formed a part of the applicant's household goods, was used and stored outside the state, and was originally acquired (or made by the applicant) outside the state, the quantity of wine, or other liquor capable of aging and originating from grapes or other fruit, which shall be permitted to be received under subsection (a) may exceed the limit there stated if the commission finds that it is reasonable to do so consistent with the intent of this statute to allow persons taking up residency in the state the free movement of their household goods into this state. (d) In the case of a shipment of wine or beer that is otherwise available in the state, the permit shall not be issued unless the applicant pays a fee equal to the tax that would be imposed by §244D-4 upon the use of liquor having a wholesale price equal to the price paid or to be paid by</p>

the applicant for the wine or beer being shipped, and such fee shall be in lieu of the imposition by §244D-4 of any tax upon the use of the wine or beer.

(e) Except in the case of applications meeting the requirements of subsection (b), (c), or (d), the permit shall not be issued unless the applicant demonstrates to the satisfaction of the liquor commission that each of the brands to be brought in under the permit is otherwise unavailable in the State.

(f) No more than 1 permit may be issued pursuant to subsection (a) in respect of any 1 household in any calendar year, and each applicant shall be required to affirm, under penalty of perjury, that no member of the applicant's household has previously received such a permit in the applicable calendar year.

(g) All such applications and shipments shall be in accordance with regulations promulgated by the liquor commission.

(h) A common carrier to whom the permit is presented is authorized to make delivery of the described shipment to the person named in the permit. Delivery of such a shipment pursuant to the permit shall not be deemed to constitute a sale in this state.

(i) An unlicensed adult shall not be required to obtain a permit under this section to receive shipments of liquor pursuant to §281-33.6.

Type of Alcohol and Whether License or Permit Required:

Hawaii Rev. Stat. §281-33.6

Wine; requires direct wine shipper permit

Maximum Amount for Shipping:

Cannot exceed six 9-liter cases of wine per household annually.

Direct Shipping License or Permit:

Hawaii Rev. Stat. §281-33.6

(a) Any person holding: (1) A general excise tax license from the department of taxation; and (2) Either: (A) A class 1 or class 16 license to manufacture wine under §281-31; or (B) A license to manufacture wine issued by another state, may pay any applicable fees and obtain a direct wine shipper permit from the liquor commission of the county to which the wine will be shipped

	<p>authorizing the holder to directly ship wine to persons in the county pursuant to this section.</p> <p>(b) The holder of a direct wine shipper permit may sell and annually ship to any person 21 years of age or older in the county that issued the permit, no more than 6 9-liter cases of wine per household for personal use only and not for resale, and shall: (1) Ship wine directly to the person only in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."; (2) Require that the carrier of the shipment obtain the signature of any person 21 years of age or older before delivering the shipment; (3) Report no later than Jan. 31 of each year to the liquor commission in each county where a direct wine shipper permit is held, the total amount of wine shipped to persons in the county during the preceding calendar year; (4) Pay all applicable general excise and gallonage taxes. For gallonage tax purposes, all wine sold under a direct wine shipper permit shall be deemed to be wine sold in the state; and (5) Be subject to audit by the liquor commission of each county in which a permit is held.</p> <p>(c) The holder of a license to manufacture wine issued by another state may annually renew a direct wine shipper permit by providing the liquor commission that issued the permit with a copy of the license and paying all required fees. The holder of a class 1 or class 16 license to manufacture wine under §281-31 may renew a direct wine shipper permit concurrently with the class 1 license by complying with all applicable laws and paying all required fees.</p> <p>(d) The sale and shipment of wine directly to a person in this state by a person that does not possess a valid direct wine shipper permit is prohibited. Knowingly violating this law is a misdemeanor.</p> <p>(e) The liquor [commission] in each county may adopt rules and regulations necessary to carry out the intent and purpose of this section.</p>
<p>Idaho</p>	<p>Type of Alcohol and Whether License or Permit Required: Idaho Code §23-1309A Wine; requires direct shipper permit</p> <p>Maximum Amount for Shipping: Cannot exceed 24 9-liter cases of wine annually.</p> <p>Direct Shipping License or Permit:</p>

Idaho Code §23-1309A

(1) Notwithstanding any other provision of law, rule or regulation to the contrary, any holder of a winery license under §23-1306, Idaho Code, or any person holding a license to manufacture wine in another state who obtains a wine direct shipper permit pursuant to this section may sell and ship up to 24 nine-liter cases of wine annually directly to a resident of Idaho, who is at least 21 years of age, for the resident's personal use and not for resale.

(2) Before sending any shipment to a resident of Idaho, the wine direct shipper permit holder must: (a) File an application with the director; (b) Pay a \$50 annual registration fee if the winery is not currently licensed by the director; (c) Provide the director its Idaho winery license number or a true copy of its current alcoholic beverage license issued by another state; (d) Obtain from the director a wine direct shipper permit; (e) Register with the state tax commission for the payment of sales and use taxes and excise taxes on wine sold to residents of Idaho under the wine direct shipper permit.

(3) A wine direct shipper permit authorizes the permit holder to do all of the following: (a) Sell and ship not more than 24 9-liter cases of wine annually to any person 21 years of age or older for his or her personal use and not for resale; (b) Ship wine directly to a resident in this state only in compliance with subsections (8) and (9) of this section; (c) Report to the director, no later than Jan. 31 of each year, the total amount of wine shipped during the preceding calendar year under the wine direct shipper permit; (d) If the permit holder is located outside this state, pay to the state tax commission all sales and use taxes, and excise taxes on sales to residents of Idaho under the wine direct shipper permit. For excise tax purposes, all wine sold pursuant to a direct shipper permit shall be deemed to be wine sold in this state; (e) Permit the director and the state tax commission to perform an audit of the wine direct shipper permit holder's records upon request; (f) Be deemed to have consented to the jurisdiction of the alcohol beverage control division of the Idaho state police, or any other state agency and the Idaho courts concerning enforcement of this section and any related laws, rules or regulations.

(4) A wine direct shipper permit holder located outside the state may annually renew its permit with the director by paying a \$25 renewal fee and providing the director a true copy of its current alcoholic beverage license issued in another state. A wine direct shipper permit holder located in Idaho shall renew its wine direct shipper permit in conjunction with its license to manufacture wine. All registration fees and renewal fees shall be shared equally by the state police and the

	<p>state tax commission.</p> <p>(5) The director may enforce the requirements of this section by administrative proceedings or suspend or revoke a wine direct shipper permit, and the director may accept payment of an offer in compromise in lieu of suspension, such payments to be determined by rule promulgated by the director.</p> <p>(6) Sales and shipments of wine directly to consumers in Idaho from wine manufacturers in Idaho or in another state who do not possess a current wine direct shipper permit are prohibited. Any person who knowingly makes such a shipment is guilty of a misdemeanor.</p> <p>(7) A licensee who holds a license for the retail sale of wine for consumption off the licensed premises may ship not more than two cases of wine, containing not more than nine liters per case, per shipment, for personal use and not for resale, directly to a resident of another state if the state to which the wine is sent allows residents of this state to receive wine sent from that state without payment of additional state tax, fees or charges. The sale shall be considered to have occurred in this state.</p> <p>(8) The shipping container of any wine shipped under this section must be clearly labeled to indicate that the container contains alcoholic beverages and cannot be delivered to a person who is not at least 21 years of age.</p> <p>(9) For wine shipped under this section to an Idaho resident, the delivery person shall: (a) Have the person who receives the wine shipment sign for it; and (b) Not make deliveries to anyone who is under 21 years of age or to anyone who is visibly intoxicated; and (c) Keep the signature record for one year.</p> <p>(10) Sales authorized under this section are sales made by a retailer who is not authorized to sell at wholesale or sales by a winery of wine produced or bottled by the winery.</p> <p>(11) The director and the state tax commission may promulgate rules to effectuate the purposes of this section and are authorized to exchange necessary information to implement the provisions of this section.</p>
<p>Illinois</p>	<p>Type of Alcohol and Whether License or Permit Required: Ill. Rev. Stat. ch. 235, §5/5-1 Wine; requires winery shipping license</p> <p>Direct Shipping License or Permit:</p>

Ill. Rev. Stat. ch. 235, §5/5-1

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this state who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include all addresses from which the applicant for a winery shipper's license intends to ship wine, including the name and address of any third party, except for a common carrier, authorized to ship wine on behalf of the manufacturer. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this state concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with Public Act 95-634, and an acknowledgement that the wine manufacturer is in compliance with §6-2 of this Act. Any third party, except for a common carrier, authorized to ship wine on behalf of a first-class or second-class wine manufacturer's licensee, a first-class or second-class wine-maker's licensee, a limited wine manufacturer's licensee, or a person who is licensed to make wine under the laws of another state shall also be disclosed by the winery shipper's licensee, and a copy of the written appointment of the third-party wine provider, except for a common carrier, to the wine manufacturer shall be filed with the State Commission as a supplement to the winery shipper's license application or any renewal thereof. The winery shipper's license holder shall affirm under penalty of perjury, as part of the winery shipper's license application or renewal, that he or she only ships wine, either directly or indirectly through a third-party provider, from the licensee's own production.

Except for a common carrier, a third-party provider shipping wine on behalf of a winery shipper's license holder is the agent of the winery shipper's license holder and, as such, a winery shipper's license holder is responsible for the acts and omissions of the third-party provider acting on behalf of the license holder. A third-party provider, except for a common carrier, that engages in

shipping wine into Illinois on behalf of a winery shipper's license holder shall consent to the jurisdiction of the State Commission and the state. Any third-party, except for a common carrier, holding such an appointment shall, by Feb. 1 of each calendar year and upon request by the State Commission or the Department of Revenue, file with the State Commission a statement detailing each shipment made to an Illinois resident. The statement shall include the name and address of the third-party provider filing the statement, the time period covered by the statement, and the following information: (1) the name, address, and license number of the winery shipper on whose behalf the shipment was made; (2) the quantity of the products delivered; and (3) the date and address of the shipment.

If the Department of Revenue or the State Commission requests a statement under this paragraph, the third-party provider must provide that statement no later than 30 days after the request is made. Any books, records, supporting papers, and documents containing information and data relating to a statement under this paragraph shall be kept and preserved for a period of 3 years, unless their destruction sooner is authorized, in writing, by the Director of Revenue, and shall be open and available to inspection by the Director of Revenue or the State Commission or any duly authorized officer, agent, or employee of the State Commission or the Department of Revenue, at all times during business hours of the day. Any person who violates any provision of this paragraph or any rule of the State Commission for the administration and enforcement of the provisions of this paragraph is guilty of a Class C misdemeanor. In case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.

The State Commission shall adopt rules as soon as practicable to implement the requirements of Public Act 99-904 and shall adopt rules prohibiting any such third-party appointment of a third-party provider, except for a common carrier, that has been deemed by the State Commission to have violated the provisions of this Act with regard to any winery shipper licensee.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under §8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of §8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax

Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this state. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this Act.

Pursuant to paragraph (5.1) or (5.3) of subsection (a) of §3-12, the State Commission may receive, respond to, and investigate any complaint and impose any of the remedies specified in paragraph (1) of subsection (a) of §3-12.

As used in this subsection, "third-party provider" means any entity that provides fulfillment house services, including warehousing, packaging, distribution, order processing, or shipment of wine, but not the sale of wine, on behalf of a licensed winery shipper.

Type of Alcohol and Whether License or Permit Required:

Ill. Rev. Stat. ch. 235, §5/6-29

Wine

Maximum Amount for Shipping:

Not more than 12 cases of wine per year.

Direct Shipping License or Permit:

Ill. Rev. Stat. ch. 235, §5/6-29

(a) The General Assembly declares that the following is the intent of this section: (1) To authorize direct shipment of wine by an out-of-state maker of wine on the same basis permitted an in-state maker of wine pursuant to the authority of the state under the provisions of §2 of the 21st Amendment to the U.S. Constitution and in conformance with the U.S. Supreme Court decision decided on May 16, 2005, in *Granholm v. Heald*. (2) To reaffirm that the General Assembly's findings and declarations that selling alcoholic liquor through various direct marketing means such as catalogs, newspapers, mailings, and the internet directly to consumers of this state poses a serious threat to the state's efforts to further temperance and prevent youth from accessing alcoholic liquor and the expansion of youth access to additional types of alcoholic liquors. (3) To maintain the state's broad powers granted by §2 of the 21st Amendment to the U.S. Constitution to control the importation or sale of alcoholic liquor and its right to structure its alcoholic liquor distribution system. (4) To ensure that the General Assembly, by authorizing limited direct shipment of wine to meet the directives of the U.S. Supreme Court, does not intend to impair or modify the state's distribution of wine through distributors or importing distributors, but only to permit limited shipment of wine for personal use. (5) To provide that, in the event that a court of competent jurisdiction declares or finds that this section, which is enacted to conform Illinois law to the U.S. Supreme Court decision, is invalid or unconstitutional, the Illinois General Assembly at its earliest general session shall conduct hearings and study methods to conform to any directive or order of the court consistent with the temperance and revenue collection purposes of this Act.

(b) Notwithstanding any other provision of law, a wine shipper licensee may ship, for personal use and not for resale, not more than 12 cases of wine per year to any resident of this state who is 21 years of age or older.

(b-3) Notwithstanding any other provision of law, sale and shipment by a winery shipper licensee pursuant to this section shall be deemed to constitute a sale in this state.

(b-5) The shipping container of any wine shipped under this section shall be clearly labeled with the following words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY." This warning must be prominently displayed on the packaging. A licensee shall require the transporter or common carrier that delivers the wine to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. At the expense of the licensee, the licensee shall receive a delivery confirmation from the express company, common carrier, or

contract carrier indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts delivery. The Commission shall design and create a label or approve a label that must be affixed to the shipping container by the licensee.

(c) No broker within this state shall solicit consumers to engage in direct wine shipments under this section.

(d) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

Type of Alcohol and Whether License or Permit Required:

Ill. Rev. Stat. ch. 235, §5/6-29.1

Wine

Direct Shipping License or Permit:

Ill. Rev. Stat. ch. 235, §5/6-29.1

(a) The General Assembly makes the following findings: (1) The General Assembly of Illinois, having reviewed this Act in light of the U.S. Supreme Court's 2005 decision in *Granholm v. Heald*, has determined to conform that law to the constitutional principles enunciated by the Court in a manner that best preserves the temperance, revenue, and orderly distribution values of this Act. (2) Minimizing automobile accidents and fatalities, domestic violence, health problems, loss of productivity, unemployment, and other social problems associated with dependency and improvident use of alcoholic beverages remains the policy of Illinois. (3) To the maximum extent constitutionally feasible, Illinois desires to collect sufficient revenue from excise and use taxes on alcoholic beverages for the purpose of responding to such social problems. (4) Combined with family education and individual discipline, retail validation of age, and assessment of the capacity of the consumer remains the best pre-sale social protection against the problems associated with the abuse of alcoholic liquor. (5) Therefore, the paramount purpose of this amendatory Act is to continue to carefully limit direct shipment sales of wine produced by makers of wine and to continue to prohibit such direct shipment sales for spirits and beer. For these reasons, the Commission shall establish a system to notify the out-of-state trade of this prohibition and to detect violations. The Commission shall request the attorney general to extradite any offender.

	<p>(b) Pursuant to the 21st Amendment of the U.S. Constitution allowing states to regulate the distribution and sale of alcoholic liquor and pursuant to the federal Webb-Kenyon Act declaring that alcoholic liquor shipped in interstate commerce must comply with state laws, the General Assembly hereby finds and declares that selling alcoholic liquor from a point outside this state through various direct marketing means, such as catalogs, newspapers, mailers, and the internet, directly to residents of this state poses a serious threat to the state's efforts to prevent youths from accessing alcoholic liquor; to state revenue collections; and to the economy of this state. Any person manufacturing, distributing, or selling alcoholic liquor who knowingly ships or transports or causes the shipping or transportation of any alcoholic liquor from a point outside this state to a person in this state who does not hold a manufacturer's, distributor's, importing distributor's, or non-resident dealer's license issued by the Liquor Control Commission, other than a shipment of sacramental wine to a bona fide religious organization, a shipment authorized by §6-29, subparagraph (17) of §3-12, or any other shipment authorized by this Act, is in violation of this Act.</p> <p>The Commission, upon determining, after investigation, that a person has violated this section, shall give notice to the person by certified mail to cease and desist all shipments of alcoholic liquor into this state and to withdraw from this state within 5 working days after receipt of the notice all shipments of alcoholic liquor then in transit.</p> <p>Whenever the Commission has reason to believe that a person has failed to comply with the Commission notice under this section, it shall notify the Department of Revenue and file a complaint with the state's attorney of the county where the alcoholic liquor was delivered or with appropriate law enforcement officials.</p> <p>Failure to comply with the notice issued by the Commission under this section constitutes a business offense for which the person shall be fined not more than \$1,000 for a first offense, not more than \$5,000 for a second offense, and not more than \$10,000 for a third or subsequent offense. Each shipment of alcoholic liquor delivered in violation of the cease and desist notice shall constitute a separate offense.</p>
<p>Indiana</p>	<p>Type of Alcohol and Whether License or Permit Required: Ind. Code §7.1-3-26-1 <i>et seq.</i> Wine; requires direct wine seller's permit</p>

Maximum Amount for Shipping:

Ind. Code §7.1-3-26-14

A consumer may not receive more than 216 liters of wine in total from 1 or more direct wine sellers in a calendar year.

Direct Shipping License or Permit:

Ind. Code §7.1-3-26-5

(a) A person located within Indiana or outside Indiana that wants to sell and ship wine directly to a consumer must be the holder of a direct wine seller's permit and comply with this chapter. A person that sells and ships wine directly to a consumer without holding a valid direct wine seller's permit commits a Class A infraction.

(b) The offense described in subsection (a) is: (1) a Class A misdemeanor if the seller: (A) knowingly or intentionally violates this section; and (B) has one prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than 10 years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and (2) a Level 6 felony if the seller: (A) knowingly or intentionally violates this section; and (B) has at least two prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than 10 years before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

Ind. Code §7.1-3-26-6

(a) A seller may sell and ship wine directly only to a consumer who meets all of the following requirements: (1) The consumer is at least 21 years of age. (2) The consumer has an Indiana address. (3) The consumer intends to use wine purchased under this chapter for personal use only and not for resale or other commercial purposes.

(b) A seller who violates this section commits a Class A infraction.

However, the offense is: (1) a Class A misdemeanor if the seller: (A) knowingly or intentionally violates this section; and (B) has one prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than 10 years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and (2) a Level 6 felony if the seller: (A) knowingly or intentionally violates this section; and (B) has at least

two prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than 10 years before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

Ind. Code §7.1-3-26-7

(a) The commission may issue a direct wine seller's permit to an applicant who meets all of the following requirements: (1) The applicant is domiciled and has its principal place of business in the United States. (2) The applicant is engaged in the manufacture of wine. (3) The applicant holds and acts within the scope of authority of an alcoholic beverage license or permit to manufacture wine that is required: (A) in Indiana or the state where the applicant is domiciled; and (B) by the Tax and Trade Bureau of the U.S. Department of the Treasury. (4) The applicant qualifies with the secretary of state to do business in Indiana and consents to the personal jurisdiction of the commission and the courts of Indiana. (5) The applicant: (A) has not distributed wine through a wine wholesaler in Indiana within the 120 days immediately preceding the applicant's application for a direct wine seller's permit and does not distribute wine through a wine wholesaler in Indiana during the term of the direct wine seller's permit; or (B) has operated as a farm winery under IC 7.1-3-12. (6) The applicant completes documentation regarding the applicant's application required by the commission.

(b) The commission may issue a direct wine seller's permit to an applicant who: (1) meets the requirements under subsection (a); and (2) holds a permit issued under this title that allows the sale of an alcoholic beverage at retail.

Ind. Code §7.1-3-26-8

(a) The term of a direct wine seller's permit begins: (1) on the date approved by the commission for an initial application; and (2) on July 1 to renew a permit; and expires on June 30 of the following year. A direct wine seller's permit may be renewed in accordance with rules adopted by the commission.

(b) The annual direct wine seller's permit fee is as follows: (1) \$100 for a direct wine seller's permit applicant who: (A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than 9,000 liters of wine in a permit year; or (B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct

shipped in Indiana not more than 9,000 liters of wine in the previous permit year. (2) \$200 for a direct wine seller's permit applicant who: (A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than 18,000 liters of wine in a permit year; or (B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than 18,000 liters of wine in the previous permit year. (3) \$300 for a direct wine seller's permit applicant who: (A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than 27,000 liters of wine in a permit year; or (B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than 27,000 liters of wine in the previous permit year. (4) \$400 for a direct wine seller's permit applicant who: (A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than 36,000 liters of wine in a permit year; or (B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than 36,000 liters of wine in the previous permit year. (5) \$500 for a direct wine seller's permit applicant who: (A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than 45,000 liters of wine in a permit year; or (B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than 45,000 liters of wine in the previous permit year.

Ind. Code §7.1-3-26-9

A direct wine seller's permit entitles a seller to sell and ship wine to a consumer by receiving and filling orders that the consumer transmits by electronic or other means if all of the following conditions are satisfied before the sale or by the times set forth as follows:

- (1) The consumer provides the direct wine seller with the following: (A) The consumer's name. (B) A valid delivery address and telephone number. (C) Proof of age by a state government issued or federal government issued identification card showing the consumer to be at least 21 years of age. The proof under this clause may be evidenced: (i) in person; (ii) by a photocopy or facsimile copy that is mailed or electronically transmitted; (iii) by a computer scanned, electronically transmitted copy; or (iv) through an age verification service used by the direct wine seller.
- (2) The direct wine seller meets the following requirements: (A) Maintains for two years all records of wine sales made under this chapter. If the records are requested by the commission, a

direct wine seller shall: (i) make the records available to the commission during the direct wine seller's regular business hours; or (ii) at the direction of the commission, deliver copies to the commission. (B) Stamps, prints, or labels on the outside of the shipping container the following: "CONTAINS WINE. SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY.". (C) Causes the wine to be delivered by the holder of a valid carrier's alcoholic beverage permit under IC 7.1-3-18. (D) Directs the carrier to verify that the individual personally receiving the wine shipment is at least 21 years of age. (E) Does not ship to any consumer more than 216 liters of wine in any calendar year. (F) Remits to the department of state revenue monthly all Indiana excise, sales, and use taxes on the shipments made into Indiana by the direct wine seller during the previous month. (G) Ships to a consumer in Indiana only wine manufactured, produced, or bottled by the applicant.

Ind. Code §7.1-3-26-10

(a) Except as provided in subsection (b), the holder of a farm winery brandy distiller's permit that ships brandy produced under this title to a consumer commits a Class A infraction.

(b) The offense described in subsection (a) is: (1) a Class A misdemeanor if the seller: (A) knowingly or intentionally violates this section; and (B) has one prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than 10 years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and (2) a Level 6 felony if the seller: (A) knowingly or intentionally violates this section; and (B) has at least two prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than 10 years before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

Ind. Code §7.1-3-26-12

During a permit year, a direct wine seller may not direct ship in or into Indiana more than 45,000 liters of wine.

Ind. Code §7.1-3-26-13

A wine shipment purchased under this chapter must be delivered to: (1) the consumer, who shall take personal delivery of the shipment at the: (A) consumer's residence; (B) consumer's business

	<p>address; (C) carrier's business address; or (D) address displayed on the shipping container; or (2) an individual who is at least 21 years of age, who shall take personal delivery of the shipment at the: (A) consumer's residence; (B) consumer's business address; (C) carrier's business address; or (D) address designated by the consumer and displayed on the shipping container.</p>
<p>Iowa</p>	<p>Type of Alcohol and Whether License or Permit Required: Iowa Code §123.56 Native wine; requires Class A wine permit</p> <p>Direct Shipping License or Permit: Iowa Code §123.56 3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside this state by obtaining a wine direct shipper license pursuant to §123.187.</p> <p>Type of Alcohol and Whether License or Permit Required: Iowa Code §123.187 Wine; requires wine direct shipper license</p> <p>Direct Shipping License or Permit: Iowa Code §123.187 1. A wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state or another state may apply for a wine direct shipper permit, as provided in this section. For the purposes of this section, a “wine manufacturer” means a person who processes the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines. 2. a. Only a wine manufacturer that holds a wine direct shipper permit issued pursuant to this section shall sell wine at retail for direct shipment to any person within this state. This section shall not prohibit an authorized retail licensee or permittee from delivering wine pursuant to §123.46A. b. A wine manufacturer applying for a wine direct shipper permit shall submit an application for the permit electronically, or in a manner prescribed by the administrator, accompanied by a true copy of the manufacturer's current alcoholic beverage license or permit issued by the state where the manufacturer is primarily located and a copy of the manufacturer's</p>

basic permit issued by the alcohol and tobacco tax and trade bureau of the U.S. department of the treasury. c. An application submitted pursuant to paragraph "b" shall be accompanied by a permit fee in the amount of \$25. d. An application submitted pursuant to paragraph "a" shall also be accompanied by a bond in the amount of \$5,000 in the form prescribed and furnished by the division with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter. However, a wine manufacturer that has submitted a bond pursuant to §123.175, subsection 2, paragraph "g", shall not be required to provide a bond as provided in this paragraph. e. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the administrator in a manner prescribed by the administrator, accompanied by the \$25 permit fee.

3. The direct shipment of wine pursuant to this section shall be subject to the following requirements and restrictions: a. Wine shall only be shipped to a resident of this state who is at least 21 years of age, for the resident's personal use and consumption and not for resale. b. Wine subject to direct shipping shall be properly registered with the federal alcohol and tobacco tax and trade bureau, and fermented on the winery premises of the wine direct shipper permittee. c. All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or shall be conspicuously labeled with alternative wording preapproved by the administrator. d. All containers of wine shipped directly to a resident of this state shall be shipped by a holder of a wine carrier permit as provided in §123.188. e. Shipment of wine pursuant to this subsection does not require a refund value for beverage container control purposes under chapter 455C.

4. A wine direct shipper permittee shall remit to the division an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in §123.183 for deposit as provided in §123.183, subsections 2 and 3. The amount shall be remitted at the time and in the manner provided in §123.184, subsection 2, and the 10% penalty specified therein shall be applicable.

5. A wine direct shipper permittee shall be deemed to have consented to the jurisdiction of the division or any other agency or court in this state concerning enforcement of this section and any related laws, rules, or regulations. A permit holder shall allow the division to perform an audit of shipping records upon request.

	<p>6. [Deleted by Acts 2019 (88 G.A.) ch. 113, S.F. 618, § 60, eff. July 1, 2019.]</p> <p>7. A violation of this section shall subject the permittee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the permit pursuant to §123.39.</p>
<p>Kansas</p>	<p>Type of Alcohol and Whether License or Permit Required: Kan. Stat. Ann. §41-350 Wine; requires special order shipping license</p> <p>Maximum Amount for Shipping: Cannot exceed 12 standard cases of wine of 1 brand or a combination of brands into this state to any 1 consumer or address per calendar year.</p> <p>Direct Shipping License or Permit: Kan. Stat. Ann. §41-350 (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" have the meaning ascribed to these terms in K.S.A. 41-102, and amendments thereto. (b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act. (1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date the license is issued by the director and shall end 2 years after that date. (2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs. (c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.</p>

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she is 21 years of age or older and shall verify the age of such person placing the order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control, or the director's designee. (2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 41-501 *et seq.*, and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 *et seq.*, and amendments thereto, shall remit such taxes annually in a manner prescribed by the secretary and shall accompany such remittance with such reports, documentation and other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall: (1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 *et seq.*, and amendments thereto; (2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and (3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and

	<p>representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 <i>et seq.</i>, and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.</p> <p>(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.</p> <p>(i) This section shall be part of and supplemental to the Kansas liquor control act.</p>
<p>Kentucky</p>	<p>Type of Alcohol and Whether License or Permit Required: Ky. Rev. Stat. §243.027 <i>et seq.</i> Ky. Rev. Stat. §244.165 Alcoholic beverages; requires direct shipping license</p> <p>Maximum Amount for Shipping: A direct shipper licensee may sell or ship to a consumer all types of alcoholic beverages that the licensee is authorized to sell, with the following aggregate limits: (a) Distilled spirits, in quantities not to exceed 10 liters per consumer per month; (b) Wine, in quantities not to exceed 10 cases per consumer per month; and (c) Malt beverages, in quantities not to exceed 10 cases per consumer per month.</p> <p>Direct Shipping License or Permit: (2) A direct shipper license shall authorize the holder to ship alcoholic beverages to consumers. The department shall issue a direct shipper license to a successful applicant that: (a) Is a manufacturer located in this state or any other state or an alcoholic beverage supplier licensed under KRS 243.212 or 243.215. A manufacturer applicant shall: 1. Hold a current license, permit, or other authorization to manufacture alcoholic beverages in the state where the manufacturer is located; and 2. Only ship alcoholic beverages that are sold under a brand name owned or exclusively licensed to the manufacturer and the alcoholic beverages were: a. Produced by the manufacturer; b. Produced for or by the manufacturer under an existing written contract with another manufacturer; or c. Produced and bottled for the manufacturer; (b) Pays an annual license fee of \$100; and (c) If a manufacturer applicant is located outside this state, proves that it has completed the same registration necessary for a manufacturer located in this state with</p>

	<p>respect to payment of any applicable excise tax, state or local sales or use tax, or other tax owed under the law of this state in connection with the direct shipment of alcoholic beverages to consumers in this state.</p> <p>(3) The department shall set the requirements and the form for a direct shipper license application through the promulgation of an administrative regulation. These requirements shall include: (a) The address and a description of the premises from which the manufacturer or supplier will ship alcoholic beverages to consumers; (b) If the applicant is located outside this state, a copy of the applicant's current license, permit, or other authorization to manufacture or supply alcoholic beverages in the state where the applicant is located; and (c) Any other information the department determines to be necessary to implement and administer the direct shipper licensing program.</p> <p>(4) In considering an application from an out-of-state applicant, the department shall use the same standards relating to causes for license denial, suspension, or revocation under KRS 243.100 and 243.500 as those it uses for similarly situated in-state applications.</p> <p>(6) (a) The department shall promulgate administrative regulations designed to reduce unlicensed deliveries and shipments of alcoholic beverages in the Commonwealth. Each direct shipper licensee shall submit to the department and the Department of Revenue a quarterly report for that direct shipper license showing: 1. The total amount of alcoholic beverages shipped into the state per consumer; 2. The name and address of each consumer; 3. The purchase price of the alcoholic beverages shipped and the amount of taxes charged to the consumer for the alcoholic beverages shipped; and 4. The name and address of each common carrier. (b) The Department of Revenue shall create a form through the promulgation of an administrative regulation for reporting under paragraph (a) of this subsection. (c) The department shall provide a list of all active direct shipper licensees to licensed common carriers on a quarterly basis to reduce the number of unlicensed shipments in the commonwealth.</p>
<p>Louisiana</p>	<p>Type of Alcohol and Whether License or Permit Required: La. Rev. Stat. Ann. §26:85 Wine</p> <p>Maximum Amount for Shipping:</p>

The total amount of sparkling wine or still wine shipped to any single household address does not exceed 12 cases of wine per adult person per household address per calendar year.

Direct Shipping License or Permit:

La. Rev. Stat. Ann. §26:85

(6) Notwithstanding any other provision of law to the contrary, wine producers who operate 1 or more wineries may sell and ship directly to a consumer in Louisiana provided that the total amount of sparkling wine or still wine shipped to any single household address does not exceed 12 cases of wine per adult person per household address per calendar year. The packing in which the sparkling wine or still wine is shipped shall be received by a person 21 years of age or older. A person receiving a package of sparkling wine or still wine shall present proof of age as provided in R.S. 26:90 at the time of delivery.

Type of Alcohol and Whether License or Permit Required:

La. Rev. Stat. Ann. §26:359

Wine; requires shipping permit

Maximum Amount for Shipping:

The total amount of sparkling wine or still wine shipped does not exceed 12 cases of wine per adult person per household address per calendar year.

Direct Shipping License or Permit:

La. Rev. Stat. Ann. §26:359

A. Except as provided in Subsection B of this Section and R.S. 26:271.1, no alcoholic beverages as defined in R.S. 26:241 produced or manufactured inside or outside of this state shall be sold or offered for sale in Louisiana, or shipped or transported into or within the state, except to the holder of a wholesaler's permit. Delivery of alcoholic beverages produced or manufactured inside or outside of this state shall be made at the place of business of the wholesaler shown on the wholesaler's permit, and must be received and warehoused by the wholesaler at that place of business, where such alcoholic beverages shall come to rest before delivery is made to any retailer.

B. (1) Notwithstanding the provisions of Subsection A of this Section, sparkling wine or still wine may be sold and shipped directly to a consumer, not to a retail dealer's location that is permitted by the Office of Alcohol and Tobacco Control, in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply: (a) The consumer is 21 years of age or older. (b) The sparkling wine or still wine is for that consumer's personal consumption. (c) The total amount of sparkling wine or still wine shipped does not exceed 12 cases of wine per adult person per household address per calendar year. (d) The wine producer, manufacturer, or retailer engaging in such direct sales holds a valid wine producer's, manufacturer's, or retailer's license issued by the state of its domicile. (e) The package in which the sparkling wine or still wine is shipped is prominently labeled as containing beverage alcohol. (f) The package in which such sparkling wine or still wine is shipped is received by a person 21 years of age or older. A person receiving a package of sparkling wine or still wine shall present proof of age as provided in R.S. 26:286 at the time of delivery. (g) The package contains an invoice indicating the date of the shipment, providing a full and complete description of all items included in the shipment, and stating the price thereof. (h) The wine producer, manufacturer, or retailer domiciled outside of Louisiana has complied with the provisions of Subsections B, C, and D of this Section. (i) The seller or shipper who is a wine producer or manufacturer is not a party, directly or indirectly, to any agreement in which a wholesaler licensed by the state of Louisiana has been granted the right to purchase and to sell any sparkling wine or still wine produced by the manufacturer. This prohibition does not include any sale of sparkling wine or still wine if the sale is perfected when the Louisiana consumer is physically present on the premises of the wine producer or manufacturer and completed by shipment to the consumer in Louisiana otherwise made in accordance with the provisions of this Section, or when the sparkling wine or still wine bears a label, properly registered pursuant to R.S. 26:793(D), that is not assigned by the wine producer or manufacturer to a wholesaler licensed in Louisiana for sale by such wholesaler. (2) In addition to the provisions in Paragraph (1) of this Subsection, the commissioner may promulgate rules in accordance with the Administrative Procedure Act governing the sale and shipment of sparkling wine or still wine directly to a Louisiana consumer. (3) In addition to the provisions of Paragraph (1) of this Subsection, prior to selling or shipping any sparkling wine or still wine directly to any consumer in Louisiana, a retailer domiciled outside of

Louisiana shall apply to the state office of alcohol and tobacco control for a permit to engage in direct shipment of sparkling wine and still wine on an application form promulgated by the commissioner. The permit shall be renewed on an annual basis and updated within 30 days of any change of any information contained on the application form. The annual fee for such permit shall be \$1,000. (4) In addition to the provisions of Paragraph (1) of this Subsection, prior to selling or shipping any sparkling wine or still wine directly to any consumer in Louisiana, a wine producer or manufacturer domiciled outside of Louisiana shall apply to the state office of alcohol and tobacco control for a permit to engage in direct shipment of sparkling wine and still wine on an application form promulgated by the commissioner. The permit shall be renewed on an annual basis and updated within 30 days of any change of any information contained on the application form. The annual fee for such permit shall be \$250.

C. (1) Any wine producer or manufacturer, domiciled outside of Louisiana, of sparkling wine or still wine engaging in the direct sale and shipment of such beverages under the provisions of this Section shall make an annual application to the secretary of the Department of Revenue for authority to make such shipments and shall pay an annual fee of \$150 to the Department of Revenue prior to selling or shipping any sparkling wine or still wine to a consumer in the state of Louisiana. (2) Any retailer, domiciled outside of Louisiana, of sparkling wine or still wine engaging in the direct shipment of such beverages under the provisions of this Section shall make an annual application to the secretary of the Department of Revenue for the authority to make such shipments and shall pay an annual fee of \$1,000 to the Department of Revenue prior to selling or shipping any sparkling wine or still wine into the state of Louisiana. (3) The annual application for authority to make such shipments shall be in a written form specified by the secretary of the Department of Revenue, and shall include the express agreement of the out-of-state wine producer, manufacturer, or retailer to pay all excise and sales and use taxes assessed by the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to this Section. A copy of the current out-of-state wine producer's, manufacturer's, or retailer's license issued to such out-of-state wine producer, manufacturer, or retailer by the state in which the wine producer, manufacturer, or retailer is domiciled shall be submitted to the secretary of the Department of Revenue with the application.

D. (1) Any out-of-state wine producer, manufacturer, or retailer who sells and ships directly to a consumer in Louisiana pursuant to this Section shall file a statement monthly indicating the

amount of sparkling wine or still wine shipped to the state of Louisiana with the secretary of the Department of Revenue. The statement shall be filed by the 20th of each month and shall indicate the total number of bottles sold and shipped during the preceding month, the sizes of those bottles, the name brand of each sparkling wine or still wine included in such shipments, the quantities of each sparkling wine or still wine included in such shipments, and the price of each item included in such shipments. All excise and sales and use taxes due to the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to this Section shall be remitted by company check drawn on an account in the name of the permit holder or by electronic funds transfer at the time of the filing of the required statement, and copies of all invoices transmitted with each shipment shall be attached to the statement. This statement shall be made on forms prescribed and furnished by the secretary of the Department of Revenue and shall include such other information as the secretary of the Department of Revenue may require. (2) Upon the request of the commissioner, the secretary of the Department of Revenue may provide copies of the annual application or monthly statements filed by any out-of-state wine producer or manufacturer or retailer selling or shipping wine directly to a Louisiana consumer. (3)(a) Any person who transports sparkling wine or still wine for direct shipment into or out of the state in accordance with this Section shall register with the commissioner of the state office of alcohol and tobacco control. (b) The commissioner shall promulgate rules in accordance with the Administrative Procedure Act for transport registrants that shall include regular reporting requirements related to size of containers and quantities of sparkling wine and still wine contained in each shipment and any other reporting requirements deemed necessary by the commissioner. The rules shall include requirements that prevent sales and deliveries to underage persons. (c) Any person who transports sparkling wine or still wine for direct shipment into or out of the state in violation of this Section or the administrative rules shall be subject to a civil penalty of up to \$25,000 or the seizure of any sparkling wine or still wine, or both.

E. The provisions of R.S. 26:85, 142, 143, 348 through 350, 360, 364, and 365 shall not apply to wine producers, manufacturers, and retailers only in connection with direct sales and shipments when authorized to engage in the direct sale and shipment of sparkling wine or still wine under the provisions of this Section.

F. Any out-of-state retailer or wine producer or manufacturer who violates any provision of this Section shall be subject to a civil penalty in the amount of \$25,000. Any out-of-state retailer or

	<p>wine producer or manufacturer that sells and ships directly to consumers in Louisiana pursuant to this Section shall, on the application for authority to make such shipments filed with the secretary of the Department of Revenue and on the application for a permit filed with the state office of alcohol and tobacco control in accordance with this Section, acknowledge in writing the civil penalty established in this Subsection and shall consent to the imposition thereof upon violation of this Section. The secretary or the commissioner may initiate and maintain a civil action in a court of competent jurisdiction to enjoin any violation of this Section and to recover the civil penalty established in this Subsection, together with all costs and attorney fees incurred by the secretary or the commissioner incidental to any such action.</p> <p>G. Upon determination by the secretary of the Department of Revenue or by the commissioner that an illegal sale or shipment of alcoholic beverages has been made to a consumer in Louisiana by either a wine producer, manufacturer, or retailer of such alcoholic beverages, the secretary or commissioner shall notify both the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury and the licensing authority for the state in which the wine producer, manufacturer, or retailer is domiciled that a state law pertaining to the regulation of alcoholic beverages has been violated and shall request those agencies to take appropriate action.</p>
<p>Maine</p>	<p>Type of Alcohol and Whether License or Permit Required: Me. Rev. Stat. Ann. tit. 28-A, §1403-A Wine; requires wine direct shipper license</p> <p>Maximum Amount for Shipping: A direct shipper may not ship a container of wine of less than 750 milliliters and may ship no more than 12 cases, each of which may contain no more than 9 liters or an equivalent volume, to any 1 recipient address in a calendar year.</p> <p>Direct Shipping License or Permit: Me. Rev. Stat. Ann. tit. 28-A, §1403-A 1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings. A. "Direct shipper" means a winery that has obtained a wine direct shipper license under subsection 2. B. "Outside the state" means any state other than Maine and any territory or possession of the United States, but does not include a foreign country.</p>

2. Direct shipment of wine. A small winery or other winery holding a federal basic wine manufacturing permit located within or outside the state may obtain a wine direct shipper license by filing with the bureau an application in a form determined by the bureau accompanied by an application fee of not more than \$200 and a copy of the applicant's current federal basic wine manufacturing permit and a list of wine labels to be shipped in accordance with this section.
3. Direct shipper application. Before sending a shipment to a resident of this state, a direct shipper must file an application for a wine direct shipper license under subsection 2 with the bureau on a form issued by the bureau along with a true copy of its current alcoholic beverage license issued in this state or another state and a \$100 registration fee.
4. Direct shipment requirements. A direct shipper may only ship wine that was produced by the direct shipper in accordance with the direct shipper's federal basic wine manufacturing permit to a recipient for personal use and not for resale. A direct shipper may not ship wine products commonly known as "wine coolers." A direct shipper shall label each package to be shipped in accordance with this section so that it conspicuously reads "CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."
5. Common carrier. Shipments made in accordance with this chapter must be made by a common carrier and must be accompanied by a shipping label that clearly indicates the name of the direct shipper and the name and address of the recipient. The common carrier shall obtain the signature of a person 21 years of age or older at the address listed on the shipping label prior to delivery of the shipment. The common carrier shall request photographic identification from the person signing for the shipment and verify that the person is 21 years of age or older.
6. Bottle size and case limit. A direct shipper may not ship a container of wine of less than 750 milliliters and may ship no more than 12 cases, each of which may contain no more than nine liters or an equivalent volume, to any one recipient address in a calendar year.
7. Prohibited shipping areas. A direct shipper may not ship to any address in an area identified by the bureau as a prohibited shipping area or a local option area.
8. License renewal. A direct shipper may annually renew its wine direct shipper license with the bureau by paying a \$50 renewal fee and providing the bureau with a true copy of its current alcoholic beverage license issued in this state or another state.
9. Sales tax registration and payment required. As a condition of receiving a certificate of approval, a shipper located outside the state shall comply with the provisions of Title 36, Part 3,

	<p>including all requirements relating to registration as a seller and the collection, reporting and remittance of the sales and use taxes of the state, and shall agree to be subject to the jurisdiction of the State for purposes of the enforcement of those obligations. The requirements of this subsection apply notwithstanding any other provision of law of the state.</p> <p>10. Payment of excise and premium taxes. A direct shipper located outside the State shall annually pay to the bureau all excise taxes due on sales to residents of the State in the preceding year, the amount of such taxes to be calculated as if the sales were in the state.</p> <p>11. Report. A direct shipper shall submit a report to the bureau annually in a manner and form prescribed by the bureau that includes the total number of cases of wine shipped to recipients in the state and, for a direct shipper located in the state, shipments made outside the state, the name and residence address of shipment recipients in the state, the common carrier used to deliver the shipments and the date, quantity and purchase price of each shipment.</p> <p>12. Audit. The bureau may perform an audit of a direct shipper's records relevant to compliance with this section. A direct shipper shall provide copies of any records requested by the bureau within 10 business days of that request.</p> <p>13. Violation. A person, including a common carrier, who knowingly causes a direct shipment in violation of this section is subject to a fine up to \$500 for a first offense and up to \$1,000 for any subsequent violation of this section. A direct shipper or common carrier who knowingly delivers wine to a person under 21 years of age is subject to a fine up to \$5,000. The bureau may suspend or revoke a wine direct shipper license for failure to comply with the shipping limits and reporting requirements required by this section. The bureau may accept payment of an offer in compromise in lieu of suspension; such payments must be determined by rules adopted by the bureau.</p> <p>14. Jurisdiction. A direct shipper, as a condition of licensure, is subject to the jurisdiction and enforcement authority of the State for the purposes of enforcement of this section.</p> <p>15. Not subject to beverage container law. Notwithstanding Title 38, chapter 33, wine shipped pursuant to this section does not require a refund value for beverage container control purposes.</p> <p>16. Rules. The bureau shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.</p>
<p>Maryland</p>	<p>Type of Alcohol and Whether License or Permit Required: Md. Alcoholic Beverages Code Ann. §2-142 <i>et seq.</i></p>

Wine and pomace brandy; requires direct wine shipper's permit

Maximum Amount for Shipping:

Md. Alcoholic Beverages Code Ann. §2-148

A direct wine shipper may not: (1) ship more than 18 9-liter cases of wine each year to a single delivery address.

Direct Shipping License or Permit:

Md. Alcoholic Beverages Code Ann. §2-143

A person shall be issued a direct wine shipper's permit by the comptroller before the person may engage in shipping wine directly to a consumer in the state.

Md. Alcoholic Beverages Code Ann. §2-144

To qualify for a direct wine shipper's permit, an applicant shall be: (1) a person licensed outside the state to engage in the manufacture of wine; or (2) a holder of a Class 3 manufacturer's license or a Class 4 manufacturer's license.

Md. Alcoholic Beverages Code Ann. §2-145

(a) Application requirements. -- An applicant for a direct wine shipper's permit shall: (1) submit to the comptroller a completed application on a form that the comptroller provides; (2) provide to the comptroller a copy of the applicant's current license; (3) identify the wines manufactured by the applicant that the applicant intends to ship into the state; and (4) pay a fee of \$ 200 for initial issuance of the direct wine shipper's permit.

(b) Issuance of permit. -- The comptroller shall issue a direct wine shipper's permit to each applicant who meets the requirements of this part for the permit.

Md. Alcoholic Beverages Code Ann. §2-146

A direct wine shipper's permit entitles the holder to sell wine manufactured by the holder through a holder of a common carrier permit to a consumer by receiving and filling orders that the consumer transmits by electronic or other means.

Md. Alcoholic Beverages Code Ann. §2-147

The term of a direct wine shipper's permit is 1 year and begins on July 1.

Md. Alcoholic Beverages Code Ann. §2-148

(a) Duties of direct wine shipper. -- A direct wine shipper shall: (1) ensure that all containers of wine shipped directly to a consumer in the state are conspicuously labeled with: (i) the name of the direct wine shipper; (ii) the name and address of the consumer who is the intended recipient; and (iii) the words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery"; (2) report to the comptroller information about the direct wine shipper's wine shipments, in a manner that the comptroller determines; (3) file a quarterly tax return in accordance with §5-201(d) of the Tax - General Article; (4) pay quarterly to the comptroller all sales taxes and excise taxes due on sales to consumers in the state and calculate the taxes as if the sale were made in the state; (5) maintain for 3 years complete and accurate records of all information needed to verify compliance with this part; (6) allow the comptroller to perform an audit of the direct wine shipper's records on request; and (7) consent to the jurisdiction of the comptroller or other state unit and the state courts concerning enforcement of this section and any related law.

(b) Restrictions on shipping. -- A direct wine shipper may not: (1) ship more than 18 9-liter cases of wine each year to a single delivery address; or (2) cause wine to be delivered on Sunday to an address in the state.

Md. Alcoholic Beverages Code Ann. §2-149

(a) Requirements for renewal. -- A direct wine shipper may renew its direct wine shipper's permit each year if the direct wine shipper: (1) is otherwise entitled to have a direct wine shipper's permit; (2) provides to the comptroller a copy of its current permit; (3) identifies the wines manufactured by the direct wine shipper that the direct wine shipper intends to ship into the state; and (4) pays to the comptroller a renewal fee of \$ 200.

(b) Grounds for denying renewal. -- The comptroller may deny a renewal application of a direct wine shipper who fails to: (1) file a tax return required under this part; (2) pay a fee or tax when due; or (3) after receiving notice, comply with this article or a regulation that the comptroller adopts under this article.

Md. Alcoholic Beverages Code Ann. §2-150

- (a) In general. -- To receive a direct shipment of wine, a consumer in the State shall be at least 21 years old.
- (b) Resale prohibited. -- A person who receives a shipment of wine shall use the shipment for personal consumption only and may not resell the shipment.

Md. Alcoholic Beverages Code Ann. §2-151

- (a) Established. -- There is a common carrier permit.
- (b) Scope of authorization. -- A holder of a common carrier permit may deliver wine from a location inside or outside the state to a consumer in the state for the consumer's personal use under this part.
- (c) Permit required. -- A person shall be issued a common carrier permit before the person may engage in transporting wine from a direct wine shipper to a consumer.
- (d) Term of permit. -- The term of a common carrier permit is 1 year and begins on July 1.
- (e) Requirements for delivery. -- To complete delivery of a shipment, the common carrier shall require from a consumer at the address listed on the shipping label: (1) the signature of the consumer or another individual at the address who is at least 21 years old; and (2) government-issued photographic identification showing that the signing individual is at least 21 years old.
- (f) Refusal of delivery by common carrier. -- A common carrier shall refuse delivery when the intended receiving individual appears to be under the age of 21 years or refuses to present valid identification.
- (g) Information required of common carrier. -- At the time of initial application for a common carrier permit and on request of the comptroller, a common carrier shall submit to the comptroller information concerning the training of its drivers in verifying the age of recipients of direct wine shipments under this part.
- (h) Verification of wine shipper permit required annually. -- At least once each year, in a manner acceptable to the comptroller, a holder of a common carrier permit shall verify that the shipper of wine into the state under this part holds a valid direct wine shipper's permit.
- (i) Transportation permit not required. -- A holder of a common carrier permit that delivers wine solely under this part may not be required to obtain a transportation permit issued under §2-118

	<p>or §2-119 of this subtitle in addition to the common carrier permit. (j) Fee. -- The permit fee is \$ 100.</p> <p>Md. Alcoholic Beverages Code Ann. §2-152 (a) Required reports. -- A common carrier shall report quarterly to the comptroller: (1) the date of each delivery of wine in the state; and (2) the name and address of the direct wine shipper and the receiving consumer of each delivery. (b) Records to be maintained for 3 years. -- A common carrier shall maintain for 3 years complete and accurate records of all information needed to verify compliance with this part.</p> <p>Md. Alcoholic Beverages Code Ann. §2-153 A person without a direct wine shipper's permit may not ship wine directly to a consumer in the state.</p> <p>Md. Alcoholic Beverages Code Ann. §2-154 Each violation of this part is a separate violation.</p> <p>Type of Alcohol and Whether License or Permit Required: Md. Alcoholic Beverages Code Ann. §6-327</p> <p>Direct Shipping License or Permit: Md. Alcoholic Beverages Code Ann. §6-327 (a) Prohibited. -- (1) A person in the business of selling or distributing alcoholic beverages in or from another state may not ship, cause to be shipped, or deliver alcoholic beverages directly to a recipient in the state if the seller, distributor, shipper, transporter, or recipient does not hold the required license or permit. (2) The prohibition under paragraph (1) of this subsection applies to alcoholic beverages ordered or purchased through a computer network. (b) Penalty. -- A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$ 1,000 or both.</p>
Massachusetts	<p>Type of Alcohol and Whether License or Permit Required: Mass. Gen. Laws Ann. ch. 138, §19F</p>

Wine; requires direct wine shipper license

Maximum Amount for Shipping:

A direct wine shipper licensee may ship up to 12 cases of wine, containing not more than 9 liters of wine per case, per year to a resident of the commonwealth.

Direct Shipping License or Permit:

(a) The commission may issue a direct wine shipper license pursuant to this section to any person, firm or corporation that holds a federal basic permit pursuant to the federal Alcohol Administration Act, compiled in 27 U.S.C. §201 *et seq.*; holds a license in the commonwealth or any other state to manufacture and export wine; and is in the business of manufacturing, bottling or rectifying wine.

(b) Under this section, a direct wine shipper licensee may make sales and delivery of wine directly to residents of the commonwealth who are 21 years of age or older, for personal use and not for resale.

(c) The fee for a license issued pursuant to this section shall be \$300 per winery; provided that an affiliate, franchise or subsidiary of the winery shall require a separate license. Licenses shall be renewed annually at a fee of \$150. If a direct wine shipper's license expires and is not renewed, a subsequent application shall be treated as an application for a new license. An applicant for a direct wine shipper license shall provide the commission and the department of revenue with a true copy of the applicable alcoholic beverage license to manufacture, export and sell the applicant's wine as issued by the appropriate licensing authority. A copy of the direct wine shipment license obtained pursuant to this section shall be provided by the commission to the department of revenue.

(d) A direct wine shipper licensee under this section shall ship wine in accordance with §22.

(e) A direct wine shipper licensee may ship up to 12 cases of wine, containing not more than 9 liters of wine per case, per year to a resident of the commonwealth.

(f) A licensee under this section shall: (i) report yearly to the commission and the department of revenue the total number of gallons of wine shipped into the commonwealth for the preceding year; (ii) pay to the department of revenue, under the department's rules and regulations, for each shipment of wine the excise levied on importations of wine calculated under §21 and any

and all other applicable taxes; and (iii) upon request, allow the commission or the department of revenue to perform an audit of the direct shipper licensee's records.

(g) No person, firm or corporation shall ship wine directly to consumers without a direct wine shipper license. A person, firm or corporation who manufactures, transports, imports or exports wine in violation of this section shall be deemed to have engaged in a deceptive act or practice under chapter 93A.

(h) Whoever ships wine in violation of this section shall be subject to the following penalties: for a first violation, by suspension of the direct wine shipper license for 60 days or a fine of \$500, or both; for a second violation, by suspension of the direct wine shipper license for 120 days or a fine of \$1,000, or both; and for a third or subsequent violation, by suspension of the direct wine shipper license for 1 year or by a fine of \$3,000, or both. A licensee whose license has been suspended for 1 year or more may apply for a direct wine shipper license and shall be treated as a new applicant. The commission may revoke a direct wine shipper license after 3 or more violations.

(i) If a violation of this section involves the sale or delivery of wine to a person under 21 years of age, the commission may impose the following additional penalties: for a first violation, by suspension of the direct shipper license for 180 days or a fine of \$1,000, or both; for a second violation, by suspension of the direct shipper license for 1 year or a fine of \$2,000, or both; and for a third or subsequent violation, by suspension of the direct shipper license for 2 years or by a fine of \$5,000, or both. Nothing in this section shall preclude enforcement of violations of §34.

(j) The commission shall promulgate rules and regulations to effectuate this section. The department of revenue may promulgate rules and regulations necessary to effectuate the oversight and collection of taxes due to the commonwealth as a result of the sale and shipment of wine into the commonwealth pursuant to this section.

(k) The commission shall issue an annual report to the joint committee on consumer protection and professional licensure, which shall include, but not be limited to, the number of direct wine shipment licenses issued and a review of violations and enforcement measures taken pursuant to this section.

Type of Alcohol and Whether License or Permit Required:

Mass. Gen. Laws Ann. ch. 138, §22

	<p>Beer or wine</p> <p>Maximum Amount for Shipping: Single delivery shall not exceed 108 liters.</p> <p>Direct Shipping License or Permit: Mass. Gen. Laws Ann. ch. 138, §22 Notwithstanding any other provision of this section, any individual, partnership, or corporation, regularly and lawfully conducting a parcel delivery service, or a general express or trucking business, or regularly and lawfully engaged in the business of leasing trucks for hire, with or without drivers, may, if authorized by a permit issued by the commission, transport or deliver the products sold at retail by licensees under §§19B, 19C and 19F to the ultimate consumers of such products. There shall be a fee for such permit, and persons operating a vehicle when engaged in such transportation or delivery shall be required to carry such permit or certified copy thereof. Parcels transported or delivered under this paragraph shall be clearly labeled with words that indicate that the package contains alcohol and that the signature of a person, age 21 years or older, is required for delivery. Receipts for delivery of such parcels shall contain a check box next to the recipient's signature where he shall certify that he is not under 21 years of age and a check box where the delivery person shall certify that valid identification showing that the recipient is not under 21 years of age was presented by the recipient upon delivery. Notwithstanding the foregoing, a delivery company may use an electronic device to receive the signature of a person accepting delivery of a parcel under this section and to certify that the person has displayed a valid identification as so required. No such delivery shall exceed 108 liters.</p>
<p>Michigan</p>	<p>Type of Alcohol and Whether License or Permit Required: Mich. Comp. Laws §436.1203 Wine; requires direct shipper license</p> <p>Maximum Amount for Shipping: Not more than 1,500 9-liter cases, or 13,500 liters in total, of wine in a calendar year to consumers in this state</p>

Direct Shipping License or Permit:

Mich. Comp. Laws §436.1203

Held unconstitutional by Lebamoff Enterprises v. Snyder, 347 F.Supp.3d 301, E.D.Mich. Sep. 28, 2018.

Petition for Certiorari docketed by Lebamoff Enterprises v. Whitmer, U.S. Supreme Court, July 20, 2020.

(1) Except as provided in this section and §301, a person shall not sell, deliver, or import alcoholic liquor, including alcoholic liquor for personal use, in this state unless the sale, delivery, or importation is made by the commission, the commission's authorized agent or distributor, an authorized distribution agent approved by order of the commission, a person licensed by the commission, or by prior written order of the commission.

(4) For purposes of subsection (1), a direct shipper may sell, deliver, or import wine to consumers in this state by means of any mail order, internet, telephone, computer, device, or other electronic means, or sell directly to a consumer on the winery premises. A direct shipper that sells, delivers, or imports wine to a consumer under this subsection shall comply with all of the following: (a) Hold a direct shipper license. (b) Pay any applicable taxes to the commission and pay any applicable taxes to the department of treasury as directed by the department of treasury. On the request of the department of treasury, a direct shipper shall furnish an affidavit to verify payment. (c) Comply with all laws of this state, including, but not limited to, the prohibition on sales to minors. (d) Verify the age of the individual placing the order by obtaining from him or her a copy of a photo identification issued by this state, another state, or the federal government or by using an identification verification service. The person receiving and accepting the order on behalf of the direct shipper shall record the name, address, date of birth, and telephone number of the individual placing the order on the order form or other verifiable record of a type and generated in a manner approved by the commission and provide a duplicate to the commission. (e) On request of the commission, make available to the commission any document used to verify the age of the individual ordering or receiving the wine from the direct shipper. (f) Stamp, print, or label on the outside of the shipping container that the package "Contains Alcohol. Must be delivered to a person 21 years of age or older.". The recipient at the time of the delivery shall provide photo identification verifying his or her age and sign for the delivery. (g) Place a label on the top panel of the shipping container containing the name and address of the individual placing

the order and the name of the designated recipient if different from the name of the individual placing the order. The direct shipper must have received a registration number of approval from the commission for any wine imported into this state. However, the registration number of approval from the commission is not required to be on the invoice or on the label of the wine that the direct shipper sells, delivers, or imports to a consumer in this state. (h) Direct ship not more than 1,500 9-liter cases, or 13,500 liters in total, of wine in a calendar year to consumers in this state. If a direct shipper, whether located in this state or outside this state, owns, in whole or in part, or commonly manages 1 or more direct shippers, it shall not in combination ship to consumers in this state more than 13,500 liters of wine in the aggregate. (i) Pay wine taxes quarterly and report to the commission quarterly the total amount of wine, by type, brand, and price, shipped to consumers in this state during the preceding calendar quarter, and the order numbers. (j) Authorize and allow the commission and the department of treasury to conduct an audit of the direct shipper's records. (k) Consent and submit to the jurisdiction of the commission, the department of treasury, and the courts of this state concerning enforcement of this section and any related laws, rules, and regulations.

(6) A person that delivers the wine for a direct shipper under this section shall verify that the individual accepting delivery is 21 years of age or older and is the individual who placed the order or the designated recipient, is an individual 21 years of age or older currently occupying or present at the address, or is an individual otherwise authorized through a rule promulgated under this act by the commission to receive alcoholic liquor under this section. If the delivery person, after a diligent inquiry, determines that the purchaser or designated recipient is not 21 years of age or older, the delivery person shall return the wine to the direct shipper. A delivery person who returns wine to the direct shipper because the purchaser or designated recipient is not 21 years of age or older is not liable for any damages suffered by the purchaser or direct shipper.

(10) A direct shipper shall not sell, deliver, or import wine to a consumer unless it applies for and is granted a direct shipper license from the commission. This subsection does not prohibit wine tasting or the selling at retail by a wine maker of wines he or she produced and bottled or wine manufactured for that wine maker by another wine maker, if done in compliance with this act. Only the following persons qualify for the issuance of a direct shipper license: (a) A wine maker.

(b) A wine producer and bottler located inside this country but outside of this state holding both a federal basic permit issued by the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of Treasury and a license to manufacture wine in its state of domicile.

(11) An applicant for a direct shipper license shall submit an application to the commission in a written or electronic format provided by the commission and accompanied by an application and initial license fee of \$100. The application must be accompanied by a copy or other evidence of the existing federal basic permit or license, or both, held by the applicant. The direct shipper may renew its license annually by submission of a license renewal fee of \$100 and a completed renewal application. The commission shall use the fees collected under this section to conduct investigations and audits of direct shippers. The failure to renew, or the revocation or suspension of, the applicant's existing Michigan license, federal basic permit, or license to manufacture wine in its state of domicile is grounds for revocation or denial of the direct shipper license. If a direct shipper is found guilty of violating this act or a rule promulgated by the commission, the commission shall notify both the alcoholic liquor control agency in the direct shipper's state of domicile and the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of Treasury of the violation.

(19) A common carrier that carries or transports alcoholic liquor into this state to a person in this state shall submit quarterly reports to the commission. A report required under this subsection must include all of the following about each delivery to a consumer in this state during the preceding calendar quarter: (a) The name and business address of the person that ships alcoholic liquor. (b) The name and address of the recipient of alcoholic liquor. (c) The weight of alcoholic liquor delivered to a consignee. (d) The date of the delivery.

(20) A common carrier described in subsection (19) shall maintain the books, records, and documents supporting a report submitted under subsection (19) for 3 years unless the commission notifies the common carrier in writing that the books, records, and supporting documents may be destroyed. Within 30 days after the commission's request, the common carrier shall make the books, records, and documents available for inspection during normal business hours. Within 30 days after a local law enforcement agency's or local governmental unit's request, the common carrier shall also make the books, records, and documents available for inspection to a local law enforcement agency or local governmental unit where the carrier

resides or does business.

(24) As used in this section: (a) "Common carrier" means a company that transports goods, on reasonable request, on regular routes and at set rates. (b) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network. (c) "Computer network" means the interconnection of hardware or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers. (d) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network. (e) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware. (f) "Consumer" means an individual who purchases beer, wine, or spirits for personal consumption and not for resale. (g) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses. (h) "Diligent inquiry" means a diligent good faith effort to determine the age of an individual, that includes at least an examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, or any other bona fide picture identification that establishes the identity and age of the individual. (i) "Direct shipper" means a person who sells, delivers, or imports wine, to consumers in this state, that he or she produces and bottles or wine that is manufactured by a wine maker for another wine maker and that is transacted or caused to be transacted through the use of any mail order, internet, telephone, computer, device, or other electronic means, or sells directly to consumers on the winery premises. (j) "Facilitate" means, subject to subdivision (k), advertising on behalf of a retailer, by means of the internet or mobile application, and pursuant to a written or oral agreement, the brands and prices of beer, wine, or spirits products sold by a retailer and 1 or more of the following: (i) Assisting the retailer, in any manner, in the arrangement of delivery as

allowed in this section. (ii) Assisting the retailer, in any manner, in the processing of payment by the consumer for the beer, wine, or spirits. (iii) Transmitting customer information to the retailer. (iv) Assisting the retailer by providing customer service. (v) If the retailer maintains supervision and control over the day-to-day operation of its business, providing other normal and customary operational services. (k) "Facilitate" does not include web designing, operating an internet search engine, or publishing an internet version of a newspaper. (l) "Identification verification service" means an internet-based service approved by the commission specializing in age and identity verification. (m) "Mobile application" means a specialized software program downloaded onto a wireless communication device. (n) "Third party facilitator service" means a person licensed by the commission to do any of the following: (i) Facilitate the sale of beer or wine to a consumer as provided in subsection (15) on behalf of a retailer that holds a specially designated merchant license located in this state. (ii) Facilitate the sale of spirits to a consumer as provided in subsection (16) on behalf of a retailer that holds a specially designated distributor license located in this state. (iii) Deliver beer or wine to a consumer as provided in subsection (15) on behalf of a retailer that holds a specially designated merchant license located in this state. (iv) Deliver spirits to a consumer as provided in subsection (16) on behalf of a retailer that holds a specially designated distributor license located in this state.

Direct Shipping License or Permit:

Mich. Comp. Laws §436.1537a

(1) Notwithstanding anything in this act to the contrary, a qualified licensee may fill and sell qualified containers with alcoholic liquor for consumption off the premises under the following conditions: (a) The qualified licensee or his or her agent or employee does not fill the qualified container in advance of the sale. (b) The qualified licensee complies with all applicable rules promulgated by the commission. (c) The qualified licensee or his or her agent seals the qualified container.

(2) Notwithstanding anything in this act to the contrary, a qualified licensee may deliver alcoholic liquor to a consumer in this state if all of the following conditions are met: (a) The qualified licensee complies with all laws of this state, including, but not limited to, the prohibition on sales to minors. (b) The qualified licensee stamps, prints, or labels on the outside of the qualified container "Contains Alcohol. Must be delivered to a person 21 years of age or older.". The

	<p>recipient at the time of the delivery shall provide identification verifying his or her age. (c) The qualified licensee or his or her agent seals the qualified container. (d) If the qualified licensee is a retailer, the alcoholic liquor is delivered by the qualified licensee's employee or a third party facilitator service, as that term is defined in section 203. (e) If the qualified licensee is a manufacturer, the alcoholic liquor is delivered by the qualified licensee's employee.</p> <p>(3) Except as otherwise allowed under this act, a qualified licensee shall not sell alcoholic liquor in its original package under this section.</p> <p>(4) This section does not apply after Dec. 31, 2025.</p> <p>(5) As used in this section: (a) "Consumer" means that term as defined in §203. (b) "Qualified container" means a clean, sealable container that is for the sale of alcoholic liquor for consumption off the premises, that has a liquid capacity that does not exceed 1 gallon, and that, after it is filled, is sealed with a device or material that is used to fully close off the container securely with no perforations or straw holes. (c) "Qualified licensee" means any of the following: (i) A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (ii) A manufacturer with an on-premises tasting room permit issued under §536. (iii) A manufacturer that holds an off-premises tasting room license issued under §536. (iv) A manufacturer that holds a joint off-premises tasting room license issued under §536.</p>
<p>Minnesota</p>	<p>Type of Alcohol and Whether License or Permit Required: Minn. Stat. §340A.417</p> <p>(a) Notwithstanding §297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than 2 cases of wine, containing a maximum of 9 liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.</p> <p>(b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required."</p> <p>(c) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.</p> <p>(d) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph (e) or (f). Whenever it appears to the commissioner that any</p>

	<p>person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.</p> <p>(e) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph (d), is guilty of a misdemeanor.</p> <p>(f) Any person who commits a third or subsequent violation of this section within any subsequent two-year period is guilty of a gross misdemeanor.</p> <p>Maximum Amount for Shipping: Not more than 2 cases of wine, containing a maximum of 9 liters per case, in any calendar year.</p>
<p>Mississippi <i>Consumer may purchase at winery and have shipment sent to package retailer</i></p>	<p>Type of Alcohol and Whether License or Permit Required: 2020 Chapter 422, Effective Jan. 1, 2021 Wine (11) (a) An individual resident of this state who is at least 21 years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling</p>

	<p>shipments from wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. (b) The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than 10 cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within 2 days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within 30 days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.</p>
<p>Missouri</p>	<p>Type of Alcohol and Whether License or Permit Required: Mo. Rev. Stat. §311.185 Wine; requires wine direct shipper license</p> <p>Maximum Amount for Shipping: Up to 2 cases of wine per month.</p> <p>Direct Shipping License or Permit: Mo. Rev. Stat. §311.185</p> <ol style="list-style-type: none"> 1. Notwithstanding any rule, law, or regulation to the contrary, any person currently licensed in this state or any other state as a wine manufacturer may apply for and the supervisor of Alcohol and Tobacco Control may issue a wine direct shipper license, as provided in this section, which allows a wine manufacturer to ship up to two cases of wine per month directly to a resident of this state who is at least 21 years of age for such resident's personal use and not for resale. Before sending any shipment to a resident of this state, the wine manufacturer shall first obtain a wine direct shipper license as follows: (1) File an application with the Division of Alcohol and Tobacco Control; and (2) Provide to the Division of Alcohol and Tobacco Control a true copy of its current alcoholic beverage license issued in this state or any other state, as well as a copy of the winery license from the Alcohol and Tobacco Tax and Trade Bureau. 2. All wine direct shipper licensees shall: (1) Not ship more than 2 cases of wine per month to any person for his or her personal use and not for resale; (2) Not use any carrier for shipping of wine

that is not licensed under this section; (3) Only ship wine that is properly registered with the Alcohol and Tobacco Tax and Trade Bureau; (4) Only ship wine manufactured on the winery premises; (5) Ensure that all containers of wine delivered directly to a resident of this state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved by the division of alcohol and tobacco control; (6) If the winery is located outside of this state, by Jan. 31, make a report under oath to the supervisor of Alcohol and Tobacco Control setting out the total amount of wine shipped into the state the preceding year; (7) If the winery is located outside of this state, pay the Division of Alcohol and Tobacco Control all excise taxes due on the amount to be calculated as if the sale were in this state at the location where the delivery is made; (8) If the winery is located within this state, provide the Division of Alcohol and Tobacco Control any additional information deemed necessary beyond that already required for retail sales from the winery tasting room to ensure compliance with this section; (9) Permit the Division of Alcohol and Tobacco Control to perform an audit of the wine direct shipper licensees' records upon request; and (10) Be deemed to have consented to the jurisdiction of the Division of Alcohol and Tobacco Control or any other state agency and the Missouri courts concerning enforcement of this section and any related laws, rules, or regulations.

3. The wine direct shipper licensee may annually renew its license with the Division of Alcohol and Tobacco Control by providing the Division of Alcohol and Tobacco Control all required items provided in subsection 1 of this section.

4. Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for and the supervisor of Alcohol and Tobacco Control may issue an alcohol carrier license, as provided in this section, which allows the carrier to transport and deliver shipments of wine directly to a resident of this state who is at least 21 years of age or older. Before transporting any shipment of wine to a resident of this state, the carrier shall first obtain an alcohol carrier license by filing an application with the Division of Alcohol and Tobacco Control.

5. All alcohol carrier licensees shall: (1) Not deliver to any person under 21 years of age, or to any intoxicated person, or any person appearing to be in a state of intoxication; (2) Require valid proof of identity and age; (3) Obtain the signature of an adult as a condition of delivery; and (4) Keep records of wine shipped which include the license number and name of the winery or retailer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of

	<p>signature from the recipient of the wine.</p> <p>6. The Division of Alcohol and Tobacco Control may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in §536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, §536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after Aug. 28, 2007, shall be invalid and void.</p>
<p>Montana</p>	<p>Type of Alcohol and Whether License or Permit Required: Mont. Code Ann. §16-4-1101 <i>et seq.</i> Wine; requires direct shipment endorsement</p> <p>Maximum Amount for Shipping: Up to 18 nine-liter cases of table wine annually.</p> <p>Direct Shipping License or Permit: Mont. Code Ann. §16-4-1101</p> <p>(1) A winery licensed or registered in Montana under §16-4-107 may sell and ship under a direct shipment endorsement up to 18 9-liter cases of table wine annually to an individual in Montana who is at least 21 years of age for the individual's personal use and not for resale.</p> <p>(2) The shipment of table wine directly to an individual in Montana from a winery that does not possess a current direct shipment endorsement is prohibited, and penalties may be assessed as provided in §16-4-1103.</p> <p>(3) The shipment of table wine directly to an individual in Montana under a direct shipment endorsement that is not conspicuously labeled as required under §16-4-1102(2) is prohibited and subject to penalties as provided in §16-4-1103.</p> <p>(4) For the purposes of this part, a “direct shipment endorsement” is permission issued by the department to a winery licensed or registered pursuant to §16-4-107 under which the winery is allowed to sell and ship table wine directly to an individual in Montana.</p>

Mont. Code Ann. §16-4-1102

(1) A winery licensed or registered under §16-4-107 shall before shipping table wine directly to an individual in Montana: (a) remit an annual direct shipment endorsement fee of \$50; (b) submit to the department a written statement acknowledging that the winery will contract only with common carriers that agree that any delivery of table wine will be made only to an individual in Montana who is at least 21 years of age and who signs a form acknowledging receipt of the table wine; and (c) receive from the department a direct shipment endorsement.

(2) A shipment of table wine under this part must be conspicuously labeled with the words "Contains Alcohol: Signature of Person Age 21 or Older Required for Delivery".

(3)(a) In addition to maintaining records required under §16-3-411 or §16-4-107, a winery with a direct shipment endorsement shall maintain records of any sales or shipments to an individual in Montana. (b) The winery shall electronically file a wine tax return and pay the tax required under §16-1-411. The information reported to the department must include the names and addresses of the individual to whom the table wine was shipped and any other information that the department determines is necessary to verify that direct shipment of table wine conforms to the requirements of Title 16. Failure to pay taxes or file the information required in this subsection (3)(b) subjects the winery holding the direct shipment endorsement to the penalties and interest provided for in §15-1-216.

(4) A winery with a direct shipment endorsement shall allow the department to perform an audit of the record of shipments made under §16-4-1101. The shipment records must be retained for 3 years.

(5) If a winery with a direct shipment endorsement uses a bonded wine warehouse to fill table wine orders shipped to an individual in Montana, the winery shall provide written notice to the department of the name and the address of the bonded wine warehouse. The winery is responsible for compliance with this part.

Mont. Code Ann. §16-4-1103

(1) Subject to a right to a hearing and the appeal process provided by the Montana Administrative Procedure Act in Title 2, chapter 4, the department may enforce the requirements of this part by suspending or revoking the direct shipment endorsement or imposing a civil penalty not to exceed \$1,500.

(2) A winery that has a direct shipment endorsement is considered to have consented to the jurisdiction of the department or any other state agency and the Montana courts concerning enforcement of this part and related rules or regulations.

(3) The owner of a winery is guilty of a misdemeanor if the winery makes a direct shipment without having a direct shipment endorsement.

(4) The department may adopt rules to implement this part.

Type of Alcohol and Whether License or Permit Required:

Mont. Code Ann. §16-4-901 *et seq.*

Beer; requires connoisseur's license

Maximum Amount for Shipping:

Mont. Code Ann. §16-4-903

Up to 288 bottles or 12 cases of beer from an out-of-state brewery during a 12-month period

Direct Shipping License or Permit:

Mont. Code Ann. §16-4-901

(1) A person in this state desiring to receive direct shipments of beer from an out-of-state brewery for the person's own consumption and not for resale shall file with the department an application for a connoisseur's license. The application must be accompanied by a registration fee in the amount of \$50 for a beer connoisseur's license.

(2) Each application for a license must be on a form prescribed by the department and must set forth the name of the applicant, the applicant's home or business address, proof that the applicant is at least 21 years of age, and other information that the department may require.

(3) A connoisseur's license expires on June 30 of each calendar year. A licensee may annually renew a license with the department by paying a \$25 renewal fee for a beer connoisseur's license.

(4) The holder of a connoisseur's license may not sell beer or wine to the public.

(5) The department shall adopt rules to provide procedures for the application for and the provision of a connoisseur's license.

Mont. Code Ann. §16-4-906

	<p>(1) Each out-of-state brewery desiring to ship beer to a person holding a connoisseur's license shall register with the department on forms provided by the department.</p> <p>(2) The annual limit on out-of-state shipments to all connoisseur's license holders is 1,440 bottles or 60 cases of beer.</p> <p>(3) For any shipment into the state that exceeds the limits provided for in subsection (2), the out-of-state brewery may: (a) distribute the brewery's product through a licensed wholesale distributor; or (b) distribute as a brewery in accordance with the provisions of §16-3-214.</p> <p>(4) An out-of-state brewery that violates the provisions of this section is subject to the penalties provided for in §16-6-302.</p> <p>Mont. Code Ann. §16-4-910</p> <p>(1) Except as provided in §16-4-906, a person who violates the provisions of this part commits a civil offense.</p> <p>(2) A person convicted under subsection (1): (a) for a first offense, must be mailed a certified letter by the department ordering that person to cease and desist committing the violation; (b) for a second offense, shall be fined a civil penalty not to exceed \$500; and (c) for a third or subsequent offense, shall be fined a civil penalty not to exceed \$2,500.</p>
<p>Nebraska</p>	<p>Type of Alcohol and Whether License or Permit Required: Neb. Rev. Stat. §53-123.15 Alcoholic liquor; requires manufacture direct sales shipping license</p> <p>Maximum Amount for Shipping: Cannot ship more than 9 liters of alcoholic liquor per month to any person in Nebraska to whom alcoholic beverages may be lawfully sold.</p> <p>Direct Shipping License or Permit: Neb. Rev. Stat. §53-123.15 (1) No person shall order or receive alcoholic liquor in this state which has been shipped directly to him or her from outside this state by any person other than a holder of a shipping license issued by the commission, except that a licensed wholesaler may receive not more than 3 gallons of wine in any calendar year from any person who is not a holder of a shipping license.</p>

(2) The commission may issue a shipping license to a manufacturer. Such license shall allow the licensee to ship alcoholic liquor only to a licensed wholesaler. A person who receives a license pursuant to this subsection shall pay the fee required in §§53-124 and 53-124.01 for a manufacturer's shipping license. Such fee shall be collected by the commission and be remitted to the state treasurer for credit to the General Fund, except that the fee received for a shipping license issued to a beer manufacturer pursuant to this subsection shall be credited to the Nebraska Beer Industry Promotional Fund.

(3) The commission may issue a shipping license to any person who deals with vintage wines, which shipping license shall allow the licensee to distribute such wines to a licensed wholesaler in the state. For purposes of distributing vintage wines, a licensed shipper must utilize a designated wholesaler if the manufacturer has a designated wholesaler. For purposes of this section, vintage wine shall mean a wine verified to be 10 years of age or older and not available from a primary American source of supply. A person who receives a license pursuant to this subsection shall pay the fee required in §§53-124 and 53-124.01 for a vintage wine dealer's shipping license. Such fee shall be collected by the commission and be remitted to the state treasurer for credit to the General Fund.

(4) The commission may issue a shipping license to any manufacturer who sells and ships alcoholic liquor from another state directly to a consumer in this state if the manufacturer satisfies the requirements of subsections (7) through (9) of this section. A manufacturer who receives a license pursuant to this subsection shall pay the fee required in §§53-124 and 53-124.01 for a manufacture direct sales shipping license. Such fee shall be collected by the commission and remitted to the state treasurer for credit to the Winery and Grape Producers Promotional Fund.

(6) The application for a shipping license under subsection (2) or (3) of this section shall be in such form as the commission prescribes. The application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees:

(a) To comply with and be bound by §§53-162 and 53-164.01 in making and filing reports, paying taxes, penalties, and interest, and keeping records; (b) To permit and be subject to all of the powers granted by §53-164.01 to the commission or its duly authorized employees or agents for

inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States; and (c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers, the commission may suspend, cancel, or revoke such shipping license for such period of time as it may determine.

(7) The application for a shipping license under subsection (4) or (5) of this section shall be in such form as the commission prescribes. The application shall require an applicant which is a manufacturer, a craft brewery, a craft distillery, or a farm winery to identify the brands of alcoholic liquor that the applicant is requesting the authority to ship either into or within Nebraska. For all applicants, unless otherwise provided in this section, the application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers or retailers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees: (a) To comply with and be bound by §§53-162 and 53-164.01 in making and filing reports, paying taxes, penalties, and interest, and keeping records; (b) To permit and be subject to all of the powers granted by §53-164.01 to the commission or its duly authorized employees or agents for inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States; (c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers or retailers, the commission may suspend, cancel, or revoke such shipping license for such period of time as it may determine; (d) That the applicant agrees to notify the commission of any violations in the state in which he or she is domiciled and any violations of the direct shipping laws of any other states. Failure to notify the commission within 30 days after such a violation may result in a hearing before the commission pursuant to which the license may be suspended, canceled, or revoked; and (e) That the applicant, if a manufacturer, craft brewery, craft distillery, or farm winery, agrees to notify any wholesaler licensed in Nebraska that has been authorized to distribute such brands that the application has been filed for a shipping license. The notice shall be in writing and in a form prescribed by the

commission. The commission may adopt and promulgate rules and regulations as it reasonably deems necessary to implement this subdivision, including rules and regulations that permit the holder of a shipping license under this subdivision to amend the shipping license by, among other things, adding or deleting any brands of alcoholic liquor identified in the shipping license.

(8) Any manufacturer or retailer who is granted a shipping license under subsection (4) or (5) of this section shall: (a) Only ship the brands of alcoholic liquor identified on the application; (b) Only ship alcoholic liquor that is owned by the holder of the shipping license; (c) Only ship alcoholic liquor that is properly registered with the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury; (d) Not ship any alcoholic liquor products that the manufacturers or wholesalers licensed in Nebraska have voluntarily agreed not to bring into Nebraska at the request of the commission; (e) Not ship more than 9 liters of alcoholic liquor per month to any person in Nebraska to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale; and (f) Cause the direct shipment of alcoholic liquor to be by approved common carrier only. The commission shall adopt and promulgate rules and regulations pursuant to which common carriers may apply for approval to provide common carriage of alcoholic liquor shipped by a holder of a shipping license issued pursuant to subsection (4) or (5) of this section. The rules and regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he or she is at least twenty-one years of age, (ii) the recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the commission, and (iii) the commission-approved common carrier to submit to the commission such information as the commission may prescribe. The commission-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All holders of shipping licenses shipping alcoholic liquor pursuant to this subdivision shall affix a conspicuous notice in 16-point type or larger to the outside of each package of alcoholic liquor shipped within or into the State of Nebraska, in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the holder of the shipping license shall be liable only for their independent acts.

(9) For purposes of §§53-160, 77-2703, and 77-27,142, each shipment of alcoholic liquor by the holder of a shipping license under subsection (3), (4), or (5) of this section shall constitute a sale in

	<p>Nebraska by establishing a nexus in the state. The holder of the shipping license shall collect all the taxes due to the state of Nebraska and any political subdivision and remit any excise taxes monthly to the commission and any sales taxes to the Department of Revenue.</p> <p>(10) By July 1, 2014, the commission shall report to the General Affairs Committee of the Legislature the number of shipping licenses issued for license years 2013-14 and 2014-15. The report shall be made electronically.</p>
<p>Nevada</p>	<p>Type of Alcohol and Whether License or Permit Required: Nev. Rev. Stat. §369.464 Wine</p> <p>Direct Shipping License or Permit: Nev. Rev. Stat. §369.464 A supplier who ships wine into this state pursuant to paragraph (c) of subsection 2 of NRS 369.490 must designate an importer in this state if the supplier: 1. Ships 25 cases or more of wine into this state in a fiscal year; and 2. Has not already designated an importer in this state.</p> <p>Type of Alcohol and Whether License or Permit Required: Nev. Rev. Stat. §369.490</p> <ol style="list-style-type: none"> 1. Except as otherwise provided in subsection 2, a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this state, or transport or import or cause to be transported or imported any liquor in or into this state for delivery, storage, use or sale therein, unless the person: (a) Has complied fully with the provisions of this chapter; and (b) Holds an appropriate, valid license, permit or certificate issued by the Department. 2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person: (a) Entering this state with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty; (b) Who imports 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use; (c) Who: (1) Is a resident of this state; (2) Is 21 years of age or older; and (3) Imports 12 cases or less of wine per year for his or her own household or personal use; or (d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or

	<p>personal use and who is acting in a manner authorized by NRS 597.245.</p> <p>3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.</p> <p>4. A person who accepts liquor shipped into this state pursuant to paragraph (b) or (c) of subsection 2 must be 21 years of age or older.</p> <p>Maximum Amount for Shipping: 12 cases or less of wine per year</p>
<p>New Hampshire</p>	<p>Type of Alcohol and Whether License or Permit Required: N.H. Rev. Stat. Ann. §178:27 Beer, wine and liquor; requires direct shipper permit</p> <p>Maximum Amount for Shipping: Cannot exceed 60 individual containers of not more than one liter each of liquor and not more than 12 9-liter cases or equivalent of wine to any one consumer in New Hampshire in any calendar year. Cannot exceed 27 gallons of beer or beverage in individual containers of not more than 1 liter to any consumer's address in New Hampshire in any calendar year.</p> <p>Direct Shipping License or Permit: N.H. Rev. Stat. Ann. §178:27 I. (a) Notwithstanding any other provision of law to the contrary, any person currently licensed in its state of domicile as a wine manufacturer, beverage manufacturer, importer, wholesaler, or retailer shall apply for a direct shipper permit from the commission. (b) Applicants for a direct shipper permit shall be exempt from the provision of RSA 178:1, I requiring registration with the secretary of state, if the applicant is duly organized and registered to do business under the laws of the state in which the applicant is domiciled. II. A direct shipper may ship directly to New Hampshire consumers over 21 years of age or licensees in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments from direct shippers into the state shall be made by a licensed carrier and such carriers are required to obtain an adult signature. Direct shippers or carriers shall not</p>

ship into areas of the state where alcohol beverages may not be lawfully sold. Liquor and wine that has been registered for sale to the commission with the commission during the previous two months may be direct shipped only if the shipper offers to sell a matching amount to the commission at wholesale. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.

III. Except with written permission of the commission, no direct shipper shall ship more than 60 individual containers of not more than one liter each of liquor and not more than 12 nine-liter cases or equivalent of wine to any one consumer in New Hampshire in any calendar year. The commission shall only grant permission for additional shipments if the additional shipments are of products not otherwise available in New Hampshire. Furthermore, in the event any direct shipper wishes to ship more than a total of 600 liters of any particular liquor or wine directly to any combination of licensees and/or consumers in New Hampshire, the shipper shall offer to sell a matching amount to the commission or beer distributor at the lower of the wholesale price or the lowest price delivered into New Hampshire. A licensee may purchase from a direct shipper pursuant to RSA 179:32, III.

IV. No direct shipper shall ship more than 27 gallons of beer or beverage in individual containers of not more than one liter to any consumer's address in New Hampshire in any calendar year. No direct shipper shall ship beer or beverage to a New Hampshire licensee.

V. (a) Direct shippers shall file reports for each shipment with the liquor commission, and shall pay a fee of 8% of the retail price for shipments of liquor, wine, beer, or beverage to the commission. Such reports shall be filed once per month for any month in which a shipment was made in a manner and form required by the commission and include the following information: (1) The total amount of alcoholic beverages shipped into or within the state for the preceding month. (2) The names and addresses of the purchasers to whom the alcoholic beverages were shipped. (3) The date of purchase, if appropriate, the name of the common carrier used to make each delivery, and the quantity and retail value of each shipment. (b) The commission may assess a \$250 penalty for failure to report to the commission in a timely manner. (c) Direct shippers shall maintain records for at least three years which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of the direct shippers' filings upon reasonable request. Wholesale shipments of any liquor or wine shall be permitted only in accordance with RSA 175:6.

	<p>VI. The liquor commission shall adopt rules, pursuant to RSA 541-A, relative to: (a) The application procedures and form for the direct shipper permit authorized under paragraph I. (b) The signature form or other identification procedures to be used by direct shippers to ensure that consumers to which liquor and beverage are being shipped are over 21 years of age. (c) Filings of direct shippers under paragraph V.</p> <p>VII. Notwithstanding the provisions of RSA 179:58, any person holding a direct shippers permit under this section who ships liquor, wine, or beer to a person under 21 years of age, shall be guilty of a class B felony and shall have such permit permanently revoked.</p> <p>VIII. Upon notification by authorities in another state which imposes a reciprocal enforcement policy, a New Hampshire licensee proved to be making illegal direct shipments to consumers and licensees in said state shall be subject to action by the liquor commission. Such actions may include fines and suspension and revocation of New Hampshire liquor licenses.</p>
<p>New Jersey</p>	<p>Type of Alcohol and Whether License or Permit Required: N.J. Rev. Stat. §33:1-10 Wine, cider or mead; requires plenary winery license, farm winery license, out-of-state winery or cidery/meadery license</p> <p>Maximum Amount for Shipping: Not more than 12 cases of wine per year, subject to regulation, to any person within or without this state over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters.</p> <p>Direct Shipping License or Permit: N.J. Rev. Stat. §33:1-10 Plenary winery license. 2a. Provided that the holder is engaged in growing and cultivating grapes or fruit used in the production of wine on at least three acres on, or adjacent to, the winery premises, the holder of this license shall be entitled, subject to rules and regulations, to produce any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this state to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse, and to sell his products at retail to</p>

consumers on the licensed premises of the winery for consumption on or off the premises and to offer samples for sampling purposes only. The fee for this license shall be \$938. A holder of this license who produces not more than 250,000 gallons per year shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. A holder of this license who produces not more than 250,000 gallons per year shall have the right to sell such wine at retail in original packages in 15 salesrooms apart from the winery premises for consumption on or off the premises and for sampling purposes for consumption on the premises, at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license who produces not more than 250,000 gallons per year may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this state for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding 1.5 ounces of any wine.

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year. In addition, a holder of this license who produces more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces not more than 250,000 gallons per year. For the purposes of this subsection, "product" means any wine that is produced, blended, fortified, or treated by the licensee on its licensed premises situated in the State of New Jersey. For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section.

Farm winery license. 2b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines and fruit juices in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 50,000 gallons per year and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes and to sell and distribute without this state to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse and to sell at retail to consumers for consumption on or off the licensed premises and to offer samples for sampling purposes only. The license shall be issued only when the winery at which such fermented wines and fruit juices are manufactured is located and constructed upon a tract of land exclusively under the control of the licensee, provided that the licensee is actively engaged in growing and cultivating an area of not less than three acres on or adjacent to the winery premises and on which are growing grape vines or fruit to be processed into wine or fruit juice; and provided, further, that for the first five years of the operation of the winery such fermented wines and fruit juices shall be manufactured from at least 51% grapes or fruit grown in the state and that thereafter they shall be manufactured from grapes or fruit grown in this State at least to the extent required for labeling as "New Jersey Wine" under the applicable federal laws and regulations. The containers of all wine sold to consumers by such licensee shall have affixed a label stating such information as shall be required by the rules and regulations of the Director of the Division of Alcoholic Beverage Control. The fee for this license shall be graduated as follows: to so manufacture between 30,000 and 50,000 gallons per annum, \$375; to so manufacture between 2,500 and 30,000 gallons per annum, \$250; to so manufacture between 1,000 and 2,500 gallons per annum, \$125; to so manufacture less than 1,000 gallons per annum, \$63. No farm winery license shall be held by the holder of a plenary winery license or be situated on a premises licensed as a plenary winery.

The holder of this license shall also have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be \$100. The holder of this license shall have the right to sell his products in original packages at retail to consumers in 15 salesrooms apart from the winery premises for consumption on or off the premises, and for sampling purposes for consumption on the premises, at a fee of \$250 for each

salesroom. Licensees shall not jointly control and operate salesrooms. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this state over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this state for a minimum period of three years at the licensed premises of the winery. For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one-half ounces of any wine.

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.

Unless otherwise indicated, for the purposes of this subsection, with respect to farm winery licenses, "manufacture" means the vinification, aging, storage, blending, clarification, stabilization and bottling of wine or juice from New Jersey fruit to the extent required by this subsection.

For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section.

Out-of-State winery license. 2e. Provided that the applicant does not produce more than 250,000 gallons of wine per year, the holder of a valid winery license issued in any other state may make application to the director for this license. The holder of this license shall have the right to sell and distribute his products to wholesalers licensed in accordance with this chapter and to sell such wine at retail in original packages in 16 salesrooms apart from the winery premises for consumption on or off the premises at a fee of \$250 for each salesroom. Licensees shall not jointly control and operate salesrooms. The annual fee for this license shall be \$938. A copy of a current license issued by another state shall accompany the application. The holder of this license also shall have the right to sell and distribute his products to retailers licensed in accordance with this chapter, except that the holder of this license shall not use a common carrier for such distribution. The fee for this additional privilege shall be graduated as follows: a licensee who manufactures more than 150,000 gallons, but not in excess of 250,000 gallons per annum, \$1,000; a licensee who manufactures more than 100,000 gallons, but not in excess of 150,000 gallons per annum, \$500; a licensee who manufactures more than 50,000 gallons, but not in excess of 100,000 gallons

per annum, \$250; a licensee who manufactures 50,000 gallons or less per annum, \$100. Additionally, the holder of this license may ship not more than 12 cases of wine per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of wine shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this state for a minimum period of three years at the licensed premises of the winery.

The licensee shall collect from the customer the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 *et seq.*) and shall pay the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 *et seq.* The director of the Division of Taxation in the Department of the Treasury shall promulgate such rules and regulations necessary to effectuate the provisions of this paragraph, and may provide by regulation for the co-administration of the tax due on the delivery of alcoholic beverages pursuant to the "Alcoholic beverage tax law," R.S.54:41-1 *et seq.* with the administration of the tax due on the sale pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 *et seq.*).

A holder of this license who produces not more than 250,000 gallons per year shall not own, either in whole or in part, or hold, either directly or indirectly, any interest in a winery that produces more than 250,000 gallons per year.

For the purposes of this subsection, "wine" shall include "hard cider" and "mead" as defined in this section.

Cidery and meadery license. 2f. The holder of this license shall be entitled, subject to rules and regulations, to manufacture hard cider and mead and to sell and distribute these products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this state to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The holder of this license shall be entitled to sell these products at retail to consumers on the licensed premises for consumption on or off the premises and to offer samples for sampling purposes only. The holder of this license shall be permitted to offer for sale or make the gratuitous offering of packaged crackers, chips, nuts, and similar snacks to consumers, but shall not operate a restaurant on the licensed premises. The fee for this license shall be \$938.

	<p>The holder of this license shall be entitled to manufacture hard cider in a quantity not to exceed 50,000 barrels of 31 fluid gallons capacity per year. With respect to the sale and distribution of hard cider to a wholesaler, the licensee shall be subject to the same statutory and regulatory requirements as a brewer, and hard cider shall be considered a malt alcoholic beverage, for the purposes of the "Malt Alcoholic Beverage Practices Act," P.L.2005, c.243 (C.33:1-93.12 <i>et seq.</i>). The holder of this license shall not directly ship hard cider either within or without this state. The holder of this license shall be entitled to manufacture not more than 250,000 gallons of mead per year. The holder of this license may ship not more than 12 cases of mead per year, subject to regulation, to any person within or without this State over 21 years of age for personal consumption and not for resale. A case of mead shall not exceed a maximum of nine liters. A copy of the original invoice shall be available for inspection by persons authorized to enforce the alcoholic beverage laws of this state for a minimum period of three years at the licensed premises.</p> <p>As used in this subsection: "Hard cider" means a fermented alcoholic beverage derived primarily from apples, pears, apple juice concentrate and water, or pear juice concentrate and water, which may include spices, herbs, honey, or other flavoring, and which contains at least 0.5% but less than 8.5% alcohol by volume. "Mead" means an alcoholic beverage primarily made from honey, water, and yeast, and which may contain fruit, fruit juices, spices, or herbs added before or after fermentation has completed, except that the ratio of fermentable sugars from fruit or fruit juices shall not exceed 49% of the total fermentable sugars used to produce mead.</p>
<p>New Mexico</p>	<p>Type of Alcohol and Whether License or Permit Required: N.M. Stat. Ann. §60-6A-11 Wine or cider</p> <p>B. A person issued a winegrower's license pursuant to this section may do any of the following: (15) in accordance with the provisions of this section that relate to the sale of wine or cider, accept and fulfill an order for wine or cider that is placed via an internet website, whether the financial transaction related to the order is administered by the licensee or the licensee's agent.</p> <p>Type of Alcohol and Whether License or Permit Required: N.M. Stat. Ann. §60-6A-11.1 Wine; requires direct wine shipment permit</p>

Maximum Amount for Shipping:

Not more than two 9-liter cases of wine monthly

Direct Shipping License or Permit:

N.M. Stat. Ann. §60-6A-11.1

A. A licensee with a winegrower's license or a person licensed in a state other than New Mexico that holds a winery license may apply to the director for and the director may issue to the applicant a direct wine shipment permit. An application for a direct wine shipment permit shall include: (1) contact information for the applicant in a form required by the department; (2) an annual application fee of \$50 if the applicant does not hold a winegrower's license; (3) the number of the applicant's winegrower's license if the applicant is located in New Mexico or a copy of the applicant's winery license if the applicant is located in a state other than New Mexico; and (4) any other information or documents required by the director. Upon approval of an applicant for a permit, the director shall forward to the taxation and revenue department the name of each permittee and the contact information for the permittee.

B. A direct wine shipment permit shall be valid for a permit year. A permittee shall renew a direct wine shipment permit annually as required by the department to continue making direct shipments of wine to New Mexico residents.

C. A permittee may ship: (1) not more than two nine-liter cases of wine monthly to a New Mexico resident who is 21 years of age or older for the recipient's personal consumption or use, but not for resale; and (2) wine directly to a New Mexico resident only in containers that are conspicuously labeled with the words:

"CONTAINS ALCOHOL SIGNATURE OF PERSON 21 YEARS OR OLDER REQUIRED FOR DELIVERY."

D. A permittee shall: (1) register with the Taxation and Revenue Department for the payment of liquor excise tax and gross receipts taxes due on the sales of wine pursuant to the permittee's activities in New Mexico; (2) submit to the jurisdiction of New Mexico courts to resolve legal actions that arise from the shipping by the permittee of wine into New Mexico to New Mexico residents; (3) monthly, by the 25th day of each month following the month in which the permittee was issued a direct wine shipment permit, pay to the taxation and revenue department the liquor excise tax due and the gross receipts tax due; and (4) submit to an audit by an agent of the

	<p>Taxation and Revenue Department of the permittee's records of the wine shipped pursuant to this section to New Mexico residents upon notice and during usual business hours.</p> <p>E. As used in this section: (1) "permit year" means the period between July 1 and June 30 of a year; and (2) "permittee" means a person that is the holder of a direct wine shipment permit.</p> <p>Type of Alcohol and Whether License or Permit Required: N.M. Stat. Ann. §60-7A-3</p> <p>Maximum Amount for Shipping: Not more than 2 cases of wine, each case containing no more than 9 liters, per month.</p> <p>Direct Shipping License or Permit: N.M. Stat. Ann. §60-7A-3</p> <p>E. An individual or licensee, except for a person holding a winery license, in a state that affords New Mexico licensees or individuals an equal reciprocal shipping privilege may ship for personal use and not for resale not more than 2 cases of wine, each case containing no more than 9 liters, per month to an individual not a minor in this state. Delivery of a shipment pursuant to this subsection shall not be deemed to constitute a sale in this state and nothing in the Liquor Control Act limits or applies to such shipments. The shipping container of wine sent into or out of this state under this subsection shall be labeled clearly to indicate that the package cannot be delivered to a minor or to an intoxicated person.</p> <p>F. The holder of a direct wine shipment permit issued pursuant to §60-6A-11.1 NMSA 1978 may ship no more than 2 9-liter cases of wine per month to a person living in New Mexico who is 21 years of age or older for the person's personal consumption and not for resale.</p>
<p>New York</p>	<p>Type of Alcohol and Whether License or Permit Required: N.Y. Alcoholic Beverage Control Law §79-c Wine; requires out-of-state direct shipper's license</p> <p>Maximum Amount for Shipping: No more than 36 cases (no more than 9 liters each case) of wine produced by such license holder per year.</p>

Direct Shipping License or Permit:

N.Y. Alcoholic Beverage Control Law §79-c

1. Authorization. Notwithstanding any provision of law, rule or regulation to the contrary, any holder of a license to manufacture wine in any other state who obtains an out-of-state direct shipper's license, as provided in this section, may ship no more than 36 cases (no more than 9 liters each case) of wine produced by such license holder per year directly to a resident of New York who is at least 21 years of age, for such resident's personal use and not for resale, provided the state in which such person is so licensed affords lawful means for shipments of wine to be received by a resident thereof who is at least 21 years of age, for such resident's personal use and not for resale, from a person licensed in this state as a manufacturer and, provided further, that the state in which such out-of-state winery is located affords to New York state winery and farm winery licensees reciprocal shipping privileges, meaning shipping privileges that are substantially similar to the requirements in this section. No person shall place an order for shipment of wine unless they are 21 years of age or older. Any common carrier with a permit issued pursuant to this chapter to whom such out-of-state shipper's license is presented is authorized to make delivery of shipments provided for hereunder in this state in compliance with this section.

2. License. Before sending any shipment hereunder to a resident in this state, the out-of-state shipper shall first obtain a license from the Authority under procedures prescribed by rules and regulations of the Authority and after providing the Authority with a true copy of its current license to manufacture wine in the applicant's state of domicile along with a copy of the applicant's federal basic permit after payment of an annual fee of \$125. Notwithstanding the provisions of §110 of this chapter, the authority in its discretion, may excuse an out-of-state winery from the submission of such information.

3. Licensee's responsibilities. The holder of an out-of-state direct shipper's license shall: (a) ship no more than 36 cases (no more than 9 liters each case) per year of wine produced by such license holder directly to a New York state resident who is at least 21 years of age, for such resident's personal use and not for resale; (b) ensure that the outside of each shipping container used to ship wine directly to a New York resident is conspicuously labeled with the words: "CONTAINS WINE - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY - NOT FOR RESALE," or with other language specifically approved by the New York State Liquor

Authority; (c) maintain records in such manner and form as the authority may direct, showing the total amount of wine shipped into the state each calendar year; the names and addresses of the purchasers to whom the wine was shipped, the date purchased, the name of the common carrier used to deliver the wine, and the quantity and value of each shipment; (d) in connection with the acceptance of an order for a delivery of wine to a New York resident, require the prospective customer to represent that he or she has attained the age of 21 years or more and that the wine being purchased will not be resold or introduced into commerce; (e) require common carriers to: (i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least 21 years of age by providing a valid form of photographic identification authorized by §65-b of this chapter; (ii) require a recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Authority; and (iii) refuse delivery when the proposed recipient appears to be under 21 years of age and refuses to present valid identification as required by subparagraph (i) of this paragraph; (f) file returns with and pay to the New York state Department of Taxation and Finance all state and local sales taxes and excise taxes due on sales into this state in accordance with the applicable provisions of the tax law relating to such taxes, the amount of such taxes to be determined on the basis that each sale in this state was at the location where delivery is made; (g) keep all records required by this section for three years and provide copies of such records, upon written request, to the authority or the Department of Taxation and Finance; (h) permit the authority or the Department of Taxation and Finance to perform an audit of such out-of-state shipper upon request; (i) execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and (j) prior to obtaining an out-of-state direct shipper's license, obtain a certificate of authority pursuant to §1134 of the tax law and a registration as a distributor pursuant to §§421 and 422 of the tax law.

4. **Situs.** Delivery of a shipment in this state by the holder of an out-of-state direct shipper's license shall be deemed to constitute a sale in this state at the place of delivery and shall be subject to all excise taxes levied pursuant to §424 of the tax law and all sales taxes levied pursuant to articles 28 and 29 of such law.

5. **Renewal.** The out-of-state shipper may annually renew its license with the authority by paying a \$125 renewal fee, providing the authority with a true copy of its current license in such other

state as an alcoholic beverage manufacturer and by complying with such other procedures as are prescribed by rule of the authority.

6. Rules and regulations. The authority and the Department of Taxation and Finance may promulgate rules and regulations to effectuate the purposes of this section.

7. Enforcement. The authority may enforce the requirements of this section including the requirements imposed on the common carrier, by administrative proceedings to suspend or revoke an out-of-state shipper's license and the authority may accept payment of an administrative fine in lieu of suspension, such payments to be determined by rules or regulations promulgated by the authority. In addition, the authority or the attorney general of the state of New York shall report violations of this section, where appropriate, to the U.S. Department of Treasury, Tax and Trade Bureau, or administrative action to suspend or revoke the federal basic permit.

8. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.

Type of Alcohol and Whether License or Permit Required:

N.Y. Alcoholic Beverage Control Law §79-d
Wine; requires winery or farm winery license

Maximum Amount for Shipping:

No more than 36 cases (no more than 9 liters per case) of wine produced by such winery for farm winery per year.

Direct Shipping License or Permit:

N.Y. Alcoholic Beverage Control Law §79-d

Any person having applied for and received a license as a winery or farm winery under §§76, 76-a, 76-b, 76-c, 76-d and 76-f of this article may ship no more than 36 cases (no more than nine liters per case) of wine produced by such winery for farm winery per year directly to a New York state resident who is at least 21 years of age, for such resident's personal use and not for resale.

1. Licensee's shipping responsibilities. Notwithstanding any provision to the contrary contained in this chapter, any above referred licensee shall: (a) in the case of a farm winery licensee or a

	<p>winery licensee, ship no more than 36 cases (no more than 9 liters) per year of wine produced by such license holder directly to a New York state resident who is at least 21 years of age, for such resident's personal use and not for resale; (b) ensure that the outside of each shipping container used to ship wine directly to a New York state resident is conspicuously labeled with the words: "CONTAINS WINE - SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY," or with other language specifically approved by the New York State Liquor Authority; (c) maintain records in such manner and form as the Authority may direct showing the total amount of wine shipped in the state each calendar year, the names and addresses of the purchasers to whom the wine was shipped, the date purchased, the name of the common carrier used to deliver the wine, and the quantity and value of each shipment. Such records shall be kept for three years and, upon written request, be provided to the Authority or the Department of Taxation and Finance; (d) in connection with the acceptance of an order for a delivery of wine to a New York resident, require the prospective customer to represent that he or she has attained the age of 21 years or more and that the wine being purchased will not be resold or introduced into commerce; and (e) require common carriers to: (i) require a recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least 21 years of age by providing a valid form of photographic identification authorized by §65-b of this chapter; (ii) require a recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the authority; and (iii) refuse delivery when the proposed recipient appears to be under 21 years of age and refuses to present valid identification as required by paragraph (a) of this subdivision.</p> <p>2. Violations. In any action brought under this section, the common carrier and the licensee shall only be held liable for their independent acts.</p>
<p>North Carolina</p>	<p>Type of Alcohol and Whether License or Permit Required: N.C. Gen. Stat. §18B-109</p> <p>Direct Shipping License or Permit: (a) General Prohibition. – Except as provided in G.S. 18B-1001.1, no person shall have any alcoholic beverage mailed or shipped to him from outside this state unless he has the appropriate ABC permit. (b) Armed Forces Installation and Indian Country Lands. – No person shall have malt beverages or unfortified wine shipped directly from a point outside this state to an installation of the armed</p>

forces of the United States within this state if those alcoholic beverages are for resale on the installation or to the Eastern Band of Cherokee Indians for resale on Indian Country lands within this state under the jurisdiction of the Eastern Band of Cherokee Indians.

(c) Wine Shipper Permittees. – It is unlawful for a wine shipper permittee to ship any wines except in compliance with this Chapter and Articles 2C and 5 of Chapter 105 of the General Statutes.

(d) On-Premises Purchases. – A person who purchases wine while visiting the premises of a winery, whether located within or outside the state, may authorize the winery to ship by common carrier, or may personally ship by common carrier, the purchased wine directly to addresses in the state in amounts that can be personally transported in accordance with the laws of this state and of the state in which the winery is located. A winery shipping wine pursuant to this subsection is not required to have a wine shipper permit.

Type of Alcohol and Whether License or Permit Required:

N.C. Gen. Stat. §18B-1001.1

Wine; requires wine shipper permit

Maximum Amount for Shipping:

Not more than 2 cases of wine per month to any person. A case of wine shall mean any combination of packages containing not more than 9liters of wine.

Direct Shipping License or Permit:

N.C. Gen. Stat. §18B-1001.1

(a) A winery holding a federal basic wine manufacturing permit located within or outside of the state may apply to the Commission for issuance of a wine shipper permit that shall authorize the shipment of brands of fortified and unfortified wines identified in the application. The applicant shall not be required to pay an application fee for the wine shipper permit. A wine shipper permittee may amend the brands of wines identified in the permit application but shall file any amendment with the Commission. Any winery that applies for a wine shipper permit shall notify in writing any wholesalers that have been authorized to distribute the winery's brands within the state that an application has been filed for a wine shipper permit. A wine shipper permittee may sell and ship not more than 2 cases of wine per month to any person in North Carolina to whom

alcoholic beverages may be lawfully sold. All sales and shipments shall be for personal use only and not for resale. A case of wine shall mean any combination of packages containing not more than 9 liters of wine.

(b) A wine shipper permittee that ships to addresses in the state more than 1,000 cases of wine in a calendar year must appoint at least one wholesaler to offer and sell the products of the wine shipper permittee under Article 12 of this Chapter if the wine shipper permittee is contacted by a wholesaler that wishes to sell the products of the wine shipper permittee. This provision shall not be construed to require the wine shipper permittee to appoint the wholesaler that originally contacted the wine shipper permittee. Wine purchased by a resident of the state at the premises of the wine shipper permittee and shipped to an address in the state under G.S. 18B-109(d) shall not be included in calculating the total of 1,000 cases per year.

(c) A wine shipper permittee may contract with the holder of a wine shipper packager permit for the packaging and shipment of wine pursuant to this section. The direct shipment of wine by wine shipper or wine shipper packager permittees pursuant to this section shall be made by approved common carrier only. Each common carrier shall apply to the Commission for approval to provide common carriage of wines shipped by holders of permits issued pursuant to this section.

Each common carrier making deliveries pursuant to this section shall: (1) Require the recipient, upon delivery, to demonstrate that the recipient is at least 21 years of age by providing a form of identification specified in G.S. 18B-302(d)(1). (2) Require the recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the Commission. (3) Refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification as required by subdivision (1) of this subsection. (4) Submit any other information that the Commission shall require.

All wine shipper and wine shipper packager permittees shipping wines pursuant to this section shall affix a notice in 26-point type or larger to the outside of each package of wine shipped within or to the state in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of wines to a person under 21 years of age by a common carrier shall constitute a violation of G.S. 18B-302(a)(1) by the common carrier. The common carrier and the wine shipper or wine shipper packager permittee shall be liable only for their independent acts.

(d) A wine shipper permittee shall be subject to jurisdiction of the North Carolina courts by virtue

	<p>of applying for a wine shipper permit and shall comply with any audit or other compliance requirements of the Commission and the Department of Revenue.</p> <p>N.C. Gen. Stat. §18B-1001.2 (a) A wine shipper permittee shall: (1) Compile and submit to the Commission quarterly a summary indicating all wine products shipped, including brand and price of each product, date of each shipment, quantity of each shipment, and amount of excise and sales tax remitted to the Department of Revenue. The report shall include all wine products shipped on the permittee's behalf under contract with a wine shipper packager. (2) Register with the Department of Revenue as a wine shipper permittee and provide any additional information required by the Department. (b) The Commission may adopt rules to carry out the provisions of this section and other related provisions governing the direct shipping of wine.</p> <p>Type of Alcohol and Whether License or Permit Required: N.C. Gen. Stat. §18B-1001.3 Wine shipper packager permit</p> <p>Direct Shipping License or Permit: N.C. Gen. Stat. §18B-1001.3 The holder of a wine shipper packager permit may provide services for the warehousing, packaging, and shipment of wine on behalf of a winery holding a wine shipper permit. A wine shipper packager permit authorizes the holder to receive, in closed containers, wine produced by and belonging to a wine shipper permittee and to place the unopened wine in containers or packaging materials as a service to the wine shipper permittee in connection with the marketing and sale of its wine products. A wine shipper packager may package and return wine products to the wine shipper permittee or, on behalf of the wine shipper permittee, may package and ship wine products in closed containers to individual purchasers inside and outside this state in accordance with the provisions of G.S. §18B-1001.1. The permit may be issued to a USDA-approved company specializing in warehousing and contract packaging.</p>
<p>North Dakota</p>	<p>Type of Alcohol and Whether License or Permit Required: N.D. Cent. Code §5-01-16</p>

	<p>Wine or beer; requires a direct shipping license</p> <p>Maximum Amount for Shipping: Cannot exceed 7.13 gallons [27 liters] or less of wine, 288 fluid ounces [8517.18 milliliters] or less of beer, or 2.38 gallons [nine liters] or less of any other alcoholic beverages per month.</p> <p>Direct Shipping License or Permit: N.D. Cent. Code §5-01-16</p> <ol style="list-style-type: none"> 1. A person in the business of selling alcoholic beverages may not knowingly or intentionally ship, or cause to be shipped, any alcoholic beverage from an out-of-state location directly to a person in this state who is not a licensed wholesaler in this state. 2. A person in the business of transporting goods may not knowingly or intentionally transport, or cause to be transported, any alcoholic beverage directly to a person in this state who is not a licensed wholesaler in this state. 3. For a first violation of subsection 1 or 2, the tax commissioner shall notify, by certified mail, the person and order that person to cease and desist any shipment of alcoholic beverages in violation of subsection 1 or 2 and shall assess a civil penalty of \$100 for each illegal shipment. For a second violation of subsection 1 or 2, the tax commissioner shall assess a civil penalty of \$200 for each illegal shipment. For any subsequent violation of subsection 1 or 2, the tax commissioner shall assess a civil penalty of \$500 for each illegal shipment. 4. The alcoholic beverage transported in violation of this section and the vehicle used in violation of this section are forfeitable property under chapter 29-31.1. 5. This section does not apply to a transaction by a person holding a valid manufacturer's or retailer's license issued by the state of its domicile and if the person obtains a direct shipping license from and on a form prescribed by the tax commissioner before making a shipment. The annual fee for a direct shipping license is \$50. Licensed direct shippers may sell and ship to an individual 21 years of age or older 7.13 gallons [27 liters] or less of wine, 288 fluid ounces [8517.18 milliliters] or less of beer, or 2.38 gallons [9 liters] or less of any other alcoholic beverages per month for personal use and not for resale. a. A direct shipper shall ship all containers of alcoholic beverages shipped directly to a resident of this state using a licensed alcohol carrier and may cause the alcoholic beverages to be shipped by a licensed logistics
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company. b. A direct shipper shall label all containers of alcoholic beverages shipped directly to an individual in this state with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". c. A licensed direct shipper shall report and pay the wholesaler excise tax and retailer sales taxes to the tax commissioner on all alcoholic beverages sold to residents in this state at the rates set forth in §§5-03-07 and 57-39.6-02. The excise tax reports are due Jan. 15 of the year following the year sales and shipments were made. When the 15th day of January falls on a Saturday, Sunday, or legal holiday, the due date is the first working day thereafter. The report must provide such detail and be in format as prescribed by the tax commissioner and include the identification of any logistics or fulfillment houses the licensee used for such shipments. The sales and use tax reports are due as set forth in chapter 57-39.6. The sales and use tax reports must be in a format as prescribed by the tax commissioner. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner. d. All alcoholic beverages that are shipped directly to a resident of this state must be properly registered with the federal alcohol and tobacco tax and trade bureau and must be owned by the licensed direct shipper.

6. A licensed alcohol carrier may ship alcoholic beverages into, out of, or within this state. A licensed alcohol carrier shall pay an annual fee of \$100 and obtain a license on an application form provided by the tax commissioner and subject to any requirements determined by the tax commissioner. a. A licensed alcohol carrier shall ensure all containers of alcoholic beverages shipped directly to an individual in this state are labeled with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". A licensed alcohol carrier may not deliver alcoholic beverages to a person under 21 years of age, or to a person who is or appears to be in an intoxicated state or condition. A licensed alcohol carrier shall obtain valid proof of identity and age before delivery and shall obtain the signature of an adult as a condition of delivery. b. A licensed alcohol carrier shall maintain records of alcoholic beverages shipped into, out of, or within this state which include the name of the licensed direct shipper, the name of any licensed logistics shipper, the date of each shipment, the recipient's name and address, and an electronic or paper form of signature from the recipient of the alcoholic beverages. A licensed alcohol carrier shall submit a report to the tax commissioner on a monthly basis in the form and format prescribed by the tax commissioner. The report is due on the last day of the month following the month of shipment. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is

the first working day after the due date. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner. c. If the tax commissioner has provided notice to a licensed alcohol carrier that a direct shipper is not licensed, the licensed alcohol carrier must notify the direct shipper that the direct shipper must obtain a direct shipper permit before tendering packages to the licensed alcohol carrier for delivery. Any assessed penalty may be waived by the tax commissioner for good cause upon request by the licensed alcohol carrier.

7. Licensed logistics shippers must obtain a logistics shipping license from the tax commissioner and shall pay an annual fee of \$100 before making or causing a shipment. a. A licensed logistics shipper shall ensure all containers of alcoholic beverages shipped directly to an individual in this state are labeled with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". b. All containers of alcoholic beverage shipped directly to a resident of this state must be shipped using a licensed alcohol carrier as provided in subsection 6. c. A licensed logistics shipper shall maintain records of alcoholic beverages shipped which include the license number and name of the licensed direct shipper, the license number and name of the licensed common carrier, the date of each shipment, the quantity and kind of alcohol shipped, and the recipient's name and address for each shipment. A licensed logistics shipper shall submit a report to the tax commissioner on a monthly basis in the form and format prescribed by the tax commissioner. The report is due on the last day of the month following the month of shipment. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the due date. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner. d. Licensed logistics shippers may not ship alcoholic beverages from unlicensed direct shippers or through unlicensed carriers. For a violation, a licensed logistics shipper is subject to the penalties in subsection 3.

8. The tax commissioner may initiate and maintain an action in a court of competent jurisdiction to enjoin a violation of this section and may request award of all costs and attorney's fees incurred by the state incidental to that action. Upon determination by the tax commissioner that an illegal sale or shipment of alcoholic beverages has been made to a consumer in this state by any person, the tax commissioner may notify both the alcohol and tobacco tax and trade bureau of the U.S. department of the treasury and the licensing authority for the state in which the

	person is domiciled that a state law pertaining to the regulation of alcoholic beverages has been violated and may request those agencies to take appropriate action.
N. Mariana Islands	<i>Statutes unavailable</i>
Ohio	<p>Type of Alcohol and Whether License or Permit Required: Ohio Rev. Code Ann. §4303.232 Beer or wine; requires permit S</p> <p>Maximum Amount for Shipping: Ohio Rev. Code §4303.233 No family household shall purchase more than 24 cases of 12 bottles of 750 milliliters of wine in 1 year.</p> <p>Direct Shipping License or Permit: Ohio Rev. Code Ann. §4303.232 (A) (1) Permit S may be issued to a person that is the brand owner or U.S. importer of beer or wine, is the designated agent of a brand owner or importer for all beer or wine sold in this state for that owner or importer, or manufactures wine if the manufacturer is entitled to a tax credit under 27 C.F.R. 24.278 and produces less than 250,000 gallons of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides or by the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury. (2) The fee for the S permit is \$25. (3) The holder of an S permit may sell beer or wine to a personal consumer by receiving and filling orders that the personal consumer submits to the permit holder. The permit holder shall sell only wine that the permit holder has manufactured to a personal consumer. (4) The holder of an S permit shall renew the permit in accordance with §4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section. (5) The Division of Liquor Control may refuse to renew an S permit for any of the reasons specified in §4303.292 of the Revised Code or if the holder of the permit fails to do any of the following: (a) Collect and pay all applicable taxes specified in division (B) of this section; (b) Pay the permit fee; (c) Comply with this section or any rules adopted by the liquor control commission</p>

under §4301.03 of the Revised Code.

(B) (1) The holder of an S permit who sells wine shall collect and pay the taxes relating to the delivery of wine to a personal consumer that are levied under §§4301.421, 4301.43, and 4301.432 and Chapters 5739 and 5741 of the Revised Code. (2) The holder of an S permit who sells beer shall collect and pay the taxes relating to the delivery of beer to a personal consumer that are levied under §§4301.42 and 4301.421 and Chapters 4305, 4307, 5739, and 5741 of the Revised Code.

(C) (1) The holder of an S permit shall send a shipment of beer or wine that has been paid for by a personal consumer to that personal consumer via the holder of an H permit. Prior to sending a shipment of beer or wine to a personal consumer, the holder of an S permit, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least 21 years of age. The shipment of beer or wine shall be shipped in a package that clearly has written on it in bold print the words "alcohol enclosed." No person shall fail to comply with division (C)(1) of this section. (2) Upon delivering a shipment of beer or wine to a personal consumer, the holder of the H permit, or an employee of the permit holder, shall verify that the personal consumer is at least 21 years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under §§4507.50 to 4507.52 of the Revised Code. (3) The holder of an S permit shall keep a record of each shipment of beer or wine that the permit holder sends to a personal consumer. The records shall be used for all of the following: (a) To provide a copy of each beer or wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased beer or wine from the S permit holder in accordance with this section and any other information required by the tax commissioner. (b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased beer or wine from the S permit holder in accordance with this section, the quantity of beer or wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S permit holder must use to submit the report. (c) To notify a personal consumer of any health or welfare recalls of the beer or wine that has been purchased by the personal consumer.

(D) As used in this section, "personal consumer" means an individual who is at least 21 years of

	<p>age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use beer or wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.</p> <p>(E) The holder of an S permit shall comply with this chapter, Chapter 4301 of the Revised Code, and any rules adopted by the liquor control commission under §4301.03 of the Revised Code.</p>
<p>Oklahoma</p>	<p>Type of Alcohol and Whether License or Permit Required: Okla. Stat. tit. 37A, §3-106 Wine; requires direct wine shipper's permit</p> <p>Maximum Amount for Shipping: A Direct Wine Shipper's Permit allows a winery to ship up to 6 9-liter cases of wine annually.</p> <p>Direct Shipping License or Permit: A. A Direct Wine Shipper's Permit may be issued by the Oklahoma ABLE Commission to a winery licensed in this or any other state within the United States as a wine producer. A Direct Wine Shipper's Permit allows a winery to ship up to six 9-liter cases of wine annually directly to an Oklahoma resident who is 21 years of age or older for such resident's personal use and not for resale. No resident shall be permitted to purchase more than 30 nine-liter cases of wine per year under the provisions of this section. B. The ABLE Commission shall promulgate rules governing the application, issuance and renewal of Direct Wine Shipper's Permits, which shall include but not be limited to: 1. Proof of current licensure in this or any other state as a wine producer; 2. Payment of a registration fee of \$300 for original permits and \$150 for renewal permits; and 3. Any other documentation that the ABLE Commission believes is reasonably necessary to verify the identity and physical location of the winery. C. With regard to direct wine shipments permitted by this section, Direct Wine Shipper permit holders: 1. Shall not ship more than 6 9-liter cases of wine annually to any person for his or her personal use; 2. Shall not ship wine intended for resale; 3. Shall ensure that all packages containing 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" or are conspicuously labeled with alternative wording preapproved by the ABLE</p>

	<p>Commission; 4. Shall require the transporter or common carrier that delivers the wine to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. At the expense of the Direct Wine Shipper, the Direct Wine Shipper shall receive a delivery confirmation from the express company, common carrier or contract carrier indicating the location of delivery and the name and signature of the individual who accepted the delivery. The ABLE Commission shall design and create a label or approve a label that must be affixed to the shipping container by the licensee; 5. Shall report to the ABLE Commission annually, by a method prescribed by the ABLE Commission, the total amount of wine shipped into the state the preceding calendar year; 6. Shall annually pay to the Oklahoma Tax Commission all applicable taxes due on sales authorized by this section to Oklahoma residents in the preceding calendar year. The amount of such taxes shall be calculated as if the sale were in Oklahoma at the location where delivery is made. Upon request, permit holders shall permit the Tax Commission to perform an audit of the permit holder's records in order to assure compliance; 7. Shall be deemed to have consented to the jurisdiction of any agency or court of the State of Oklahoma tasked with the enforcement of or adjudication of controversies related to this section and any related laws or rules; and 8. Shall require the consumer to verify, by electronic means or otherwise, that the consumer is at least 21 years of age.</p> <p>D. Every express company, common carrier, contract carrier and every firm or corporation that shall bring, carry or transport wine for delivery to any person in the state, except wine or spirit wholesalers or beer distributors, shall prepare and file quarterly with the ABLE Commission a report, which shall not be subject to the Oklahoma Open Records Act, of known wine shipments containing: 1. The name of the company, carrier, person, firm or corporation making the report; 2. The period of time covered by the report; 3. The name and business address of the consignor shipping the wine; 4. The weight of the packages shipped; 5. The unique tracking number of the delivery; and 6. The date of delivery.</p> <p>E. The provisions of this section do not apply to a motor carrier or freight forwarder as defined in §13102 of Title 49 of the U.S. Code or to an air carrier as defined in §40102 of Title 49 of the U.S. Code.</p>
<p>Oregon</p>	<p>Type of Alcohol and Whether License or Permit Required: Or. Rev. Stat. §471.223 Malt beverages, wine or cider</p>

Direct Shipping License or Permit:

Or. Rev. Stat. §471.223

(6) A winery licensee may sell and ship malt beverages, wine or cider directly to a resident of this state only if the licensee has a direct shipper permit issued under ORS 471.282.

Type of Alcohol and Whether License or Permit Required:

Or. Rev. Stat. §471.282

Malt beverages, wine or cider; requires direct shipper permit

Maximum Amount for Shipping:

May not exceed 2 cases, containing not more than 9 liters per case, to any resident per month

Direct Shipping License or Permit:

Or. Rev. Stat. §471.282

(1) Notwithstanding any other provision of this chapter and except as provided by ORS 471.186 (6), a person may sell and ship malt beverages, wine or cider directly to a resident of Oregon only if the person holds a direct shipper permit. The Oregon Liquor Control Commission shall issue a direct shipper permit only to: (a) A person that holds a license issued by this state or another state that authorizes the manufacture of malt beverages, wine or cider; (b) A person that holds a license issued by this state or another state that authorizes the sale of wine or cider produced only from grapes or other fruit grown under the control of the person; (c) A person that holds a license authorizing the sale of malt beverages, wine or cider at retail; or (d) A nonprofit trade association that holds a temporary sales license under ORS 471.190 and that has a membership primarily composed of persons holding winery licenses issued under ORS 471.223 or grower sales privilege licenses issued under ORS 471.227.

(2) The holder of a direct shipper permit that is a licensee of another state may deliver malt beverages under the permit only if that other state makes direct shipper permits, or the equivalent, available for the delivery of malt beverages by persons holding a license issued by the commission authorizing the manufacture or retail sale of malt beverages.

(3)(a) A person may apply for a direct shipper permit by filing an application with the commission.

The application must be made in such form as may be prescribed by the commission. (b) If the application is based on a license issued by this state, the person must include in the application the number of the license issued to the person. (c) If the application is based on a license issued by another state, the person must include in the application a true copy of the license issued to the person by the other state or include sufficient information to allow verification of the license by electronic means or other means acceptable to the commission. (d) If the application is based on a license issued by another state, or the application is by a nonprofit trade association described in subsection (1)(d) of this section, the person or association must pay a \$100 registration fee and maintain a bond or other security described in ORS 471.155 in the minimum amount of \$1,000.

(4) Sales and shipments under a direct shipper permit: (a) May be made only to a person who is at least 21 years of age; (b) May be made only for personal use and not for the purpose of resale; and (c) May not exceed 2 cases, containing not more than 9 liters per case, to any resident per month.

(5) Sales and shipments under a direct shipper permit must be made directly to a resident of this state in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."

(6) A person holding a direct shipper permit must take all actions necessary to ensure that a carrier used by the permit holder does not deliver any malt beverages, wine or cider unless the carrier: (a) Obtains the signature of the recipient of the malt beverages, wine or cider upon delivery; (b) Verifies by inspecting government-issued photo identification that the recipient is at least 21 years of age; and (c) Determines that the recipient is not visibly intoxicated at the time of delivery.

(7)(a) A person holding a direct shipper permit must report to the commission on a quarterly basis all shipments of malt beverages, wine or cider made to Oregon residents under the permit. The report must be made in a form prescribed by the commission. (b) A person holding a direct shipper permit must allow the commission to audit the permit holder's records upon request and shall make those records available to the commission in this state. (c) A person holding a direct shipper permit consents to the jurisdiction of the commission and the courts of this state for the purpose of enforcing the provisions of this section and any related laws or rules.

(8)(a) A person holding a direct shipper permit must timely pay to the commission all taxes

imposed under ORS chapter 473 on malt beverages, wine and cider sold and shipped under the permit. For the purpose of the privilege tax imposed under ORS chapter 473, all malt beverages, wine or cider sold and shipped pursuant to a direct shipper permit is sold in this state. (b) A person holding a direct shipper permit based on a license issued by another state must timely pay to the commission all taxes imposed under ORS chapter 473 on all malt beverages, wine or cider sold and shipped directly to Oregon residents under the permit. The permit holder, not the purchaser, is responsible for the tax.

(9) A direct shipper permit must be renewed annually. If the person holds the permit based on an annual license issued by another state, the person may renew the permit by paying a \$100 renewal fee and providing the commission with a true copy of a current license issued to the person by the other state or with sufficient information to allow verification of the license by electronic means or other means acceptable to the commission. If the person holds the permit based on an annual license issued by this state, the person may renew the permit at the same time that the person renews the license.

(10) The commission may refuse to issue or may suspend or revoke a direct shipper permit if the permit holder fails to comply with the provisions of this section. A person may sell and ship malt beverages, wine or cider under a direct shipper permit only for as long as the person has the license issued by this state or another state that authorizes the person to hold a direct shipper permit. A direct shipper permit does not authorize the shipment of malt beverages by a permit holder described in subsection (1)(b) of this section or lacking authority as provided under subsection (2) of this section.

(11) Any person who knowingly or negligently delivers malt beverages, wine or cider under the provisions of this section to a person under 21 years of age, or who knowingly or negligently delivers malt beverages, wine or cider under the provisions of this section to a visibly intoxicated person, violates ORS 471.410.

(12) A person may not make sales and shipments of malt beverages, wine or cider directly to Oregon residents unless the person holds a direct shipper permit issued under this section. Any person who knowingly makes, participates in, transports, imports or receives a shipment of malt beverages, wine or cider that is in violation of this section commits a misdemeanor as provided in ORS 471.990 (1).

<p>Pennsylvania</p>	<p>Type of Alcohol and Whether License or Permit Required: Pa. Stat. tit. 47, §4-488 Wine; requires direct wine shipper license</p> <p>Maximum Amount for Shipping: Up to 36 cases of up to 9 liters per case in a calendar year of any wine.</p> <p>Direct Shipping License or Permit: (a) The shipment of wine to residents of this commonwealth shall be governed by this section. (b) Notwithstanding any other provision of this act or law, a person licensed by the board or another state or country as a producer of wine and who obtains a direct wine shipper license as provided for in this section may ship up to 36 cases of up to 9 liters per case in a calendar year of any wine on the order of any resident of this commonwealth who is at least 21 years of age for such resident's personal use and not for resale. (c) Each month, the board shall publish on the internet a list of all classes, varieties and brands of wine available for sale in the Pennsylvania Liquor Stores. (c.1) Prior to issuing a direct wine shipper license, the board shall require an applicant to: (1) File an application with the board. (2) Pay a registration fee of \$250. (3) Provide to the board a true copy of the applicant's current alcoholic beverage license issued by the board or another state or country. (4) Provide documentation which evidences that the applicant has obtained a sales tax license from the Department of Revenue. (5) Provide the board with any other information that the board deems necessary and appropriate. (d) A direct wine shipper shall do all of the following: (1) Deleted by 2016, June 8, P.L. 273, No. 39, §21, effective in 60 days [Aug. 8, 2016]. (2) Report to the board each year the total of wine shipped to residents of this Commonwealth in the preceding calendar year. (3) Permit the board, the enforcement bureau or the secretary of Revenue, or their designated representatives, to perform an audit of the direct wine shipper's records upon request. (4) Be deemed to have submitted to the jurisdiction of the board, any other state agency and the courts of this commonwealth for purposes of enforcement of this section and any related laws, rules or regulations. (5) Require proof of age of the recipient, in a manner or format approved by the board, before wine is shipped to a resident of this commonwealth. (6) Ensure that all boxes or</p>
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exterior containers of wine shipped directly to a resident of this commonwealth are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY." (7) Pay to the Department of Revenue all taxes due on sales to residents of this commonwealth. The amount of the taxes shall be calculated as if the sales were in this commonwealth at the locations where delivery was made. The wine delivered under this subsection shall be subject to only the following: (i) The sales and use tax imposed by section 202 and Article II-B of the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971. (ii) The sales and use tax imposed by Article XXXI-B of the act of July 28, 1953 (P.L. 723, No. 230), known as the Second Class County Code. (iii) The sales and use tax imposed by the act of June 5, 1991 (P.L. 9, No. 6),³ known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class. (iv) The wine excise tax imposed under subsection (j). (8) Annually renew its license by paying a renewal fee of \$250.

(e) Deleted by 2016, June 8, P.L. 273, No. 39, § 21, effective in 60 days [Aug. 8, 2016].

(f) Any person who resells wine obtained under this section commits a misdemeanor of the second degree. A person convicted of selling or offering to sell any wine in violation of this section shall, in addition to any other penalty prescribed by law, be sentenced to pay a fine of \$4 per fluid ounce for each container of wine found on the premises where the sale was made or attempted. The amount of fine per container shall be based on the capacity of the container when full, whether or not it is full at the time of sale or attempted sale. All wine found on the premises shall be confiscated. The prohibition on reselling wine shall not apply to any entity who is licensed to resell wine and who acquires the wine from a limited winery licensed under §505.2.4

(g) The board may promulgate such rules and regulations as are necessary to implement and enforce the provisions of this section.

(h) The board shall submit annual reports to the Appropriations Committee and the Law and Justice Committee of the Senate and to the Appropriations Committee and the Liquor Control Committee of the House of Representatives summarizing the number of direct shipper licenses issued by the board and the quantity of wine sold by direct wine shippers pursuant to this section.

(i) Deleted by 2016, June 8, P.L. 273, No. 39, § 21, effective in 60 days [Aug. 8, 2016].

(j) A wine excise tax is imposed and assessed at the rate of \$2.50 per gallon on all wine sold and delivered under this section. The tax shall be collected by the direct wine shipper from the purchaser and shall be paid to the department as provided under this section. Unless otherwise

	<p>specified, the tax shall be assessed, collected and enforced by the department in the same manner as the tax under Article II of the Tax Reform Code of 1971.</p> <p>(k) Receipts from the tax under subsection (j) shall be deposited into the General Fund. Annually, the board shall allocate the amount of \$1 million for the purpose of awarding grants under §488.1.</p> <p>(l) Delivery shall be by a licensed transporter for hire. The licensed transporter for hire shall: (1) keep records as required under §512 pertaining to the direct shipment of wine; and (2) permit the board and the enforcement bureau, or their designated representatives, to inspect the records under §513.</p>
Puerto Rico	<i>Not specified in statutes</i>
Rhode Island <i>Consumer must be present at purchase</i>	<p>Type of Alcohol and Whether License or Permit Required: R.I. Gen. Laws §3-4-8</p> <p>(a) It shall be unlawful for any person in the business of selling intoxicating beverages in another state or country to ship or cause to be shipped any intoxicating beverage directly to any Rhode Island resident who does not hold a valid wholesaler license issued by the state of Rhode Island. The foregoing shall not apply to any order for intoxicating beverages personally placed by the purchaser at the manufacturer's premises, for shipment to an address in Rhode Island for non-business purpose. Any shipment of intoxicating beverages pursuant to this section shall contain the language: "Contains Alcohol, Adult Signature (over 21) Required for Delivery."</p> <p>(b) Any person who violates subsection (a) of this section shall, for the first offense, be mailed a certified letter by the department ordering that person to cease and desist any shipment of intoxicating beverages to Rhode Island residents and for each subsequent offense shall be fined \$1,500.</p>
South Carolina	<p>Type of Alcohol and Whether License or Permit Required: S.C. Code Ann. §61-4-720</p> <p>Notwithstanding another provision of law, a licensed winery located in this state is authorized to sell wine on the winery premises and deliver or ship this wine to consumer homes in or outside the state so long as the wine is produced on its premises and contains an alcoholic content of 16% or less.</p> <p>Type of Alcohol and Whether License or Permit Required:</p>

S.C. Code Ann. §61-4-730

Wine; requires winery permit

Direct Shipping License or Permit:

S.C. Code Ann. §61-4-730

(A) Permitted wineries that produce and sell wine produced on its premises with at least 60% of the juice from fruit and berries that are grown in this state may sell the wine at retail, wholesale, or both, and deliver or ship the wine to licensed retailers in this state or to consumer homes in and outside the state. Wine must be delivered between 7 a.m. and 7 p.m.

(B) Permitted wineries that produce and sell wine produced on their premises with less than 60% of the juice from fruit and berries that are grown in this state may retail from the winery and ship the wine directly to consumer homes in and outside the state, but these wineries are not wholesalers of the wine. These wineries shall use a licensed South Carolina wholesaler to deliver or ship the wine to licensed retailers in this state.

(C) The South Carolina Department of Agriculture shall periodically inspect the records of permitted wineries for verification of the percentage of juice from fruit and berries grown in this state used in the manufacturing of the wineries' products. Within 10 days of conducting an inspection, the South Carolina Department of Agriculture shall report its findings to the South Carolina Department of Revenue. If a winery is found to be in violation of this statute, the owner of the winery is subject to penalties pursuant to §61-4-780.

Type of Alcohol and Whether License or Permit Required:

S.C. Code Ann. §61-4-747

Wine; requires out-of-state shipper's license

Maximum Amount for Shipping:

Up to 24 bottles of wine each month

Direct Shipping License or Permit:

S.C. Code Ann. §61-4-747

(A) Notwithstanding any other provision of law, rule, or regulation to the contrary, a

manufacturer of wine located within this state or outside this state that holds a wine producer and blenders basic permit issued in accordance with the Federal Alcohol Administration Act and obtains an out-of-state shipper's license, as provided in this section, may ship up to 24 bottles of wine each month directly to a resident of this state who is at least 21 years of age for such resident's personal use and not for resale.

(B) Before sending a shipment to a resident of this state, an out-of-state shipper first shall: (1) file an application with the Department of Revenue; (2) pay a biennial license fee of \$400; (3) provide to the department a true copy of its current wine producer and blenders basic permit issued in accordance with the Federal Alcohol Administration Act; and (4) obtain from the department an out-of-state shipper's license.

(C) Each out-of-state shipper licensee shall: (1) not ship more than 24 bottles of wine each month to a person; (2) ensure that all containers of wine shipped directly to a resident in this state are labeled conspicuously with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (3) report to the department annually, by August 31st of each year, the total amount of wine shipped into the state the preceding year; (4) annually, by Jan. 20 of each year, pay to the department all sales taxes and excise taxes due on sales to residents of this state in the preceding calendar year, the amount of the taxes to be calculated as if the sale were in this state at the location where delivery is made; (5) permit the department to perform an audit of the out-of-state shipper's records upon request; and (6) be deemed to have consented to the jurisdiction of the department or another state agency and the courts of this state concerning enforcement of this section and any related laws.

(D) The out-of-state shipper on Aug. 31 of each applicable year must renew its license with the department by paying a renewal fee of \$400 and providing the department a true copy of its current alcoholic beverage license issued in another state.

(E) The department may promulgate regulations to effectuate the purposes of this section.

(F) The department shall enforce the requirements of this section by administrative proceedings to suspend or revoke an out-of-state shipper's license if the licensee fails to comply with the requirements of this section, and the department may accept payment of an offer in compromise instead of suspension.

(G)(1) A shipment of wine from out-of-state direct to consumers in this state from persons who do not possess a current out-of-state shipper's license is prohibited. A person who knowingly makes,

	<p>participates in, transports, imports, or receives such a shipment from out-of-state is guilty of a misdemeanor and, upon conviction, must be fined \$100. A shipment of wine which violates any provision of this item is contraband. (2) Without limitation on any punishment or remedy, criminal or civil, a person who knowingly makes, participates in, transports, imports, or receives a shipment as provided in item (1) of this subsection from out-of-state commits an unfair trade practice.</p>
<p>South Dakota</p>	<p>Type of Alcohol and Whether License or Permit Required: S.D. Codified Laws Ann. §35-12B-1 <i>et seq.</i> Wine, requires wine direct shipping license</p> <p>Maximum Amount for Shipping: S.D. Codified Laws Ann. §35-12B-5 No direct shipper may ship more than 12 cases of wine, containing no more than 9 liters per case, in any calendar year to any person for personal use under this chapter.</p> <p>S.D. Codified Laws Ann. §35-12B-8 No person may receive more than 12 cases of wine, containing no more than 9 liters per case, in any calendar year for personal use under this chapter.</p> <p>Direct Shipping License or Permit: S.D. Codified Laws Ann. §35-12B-2 Any winery located within or outside of the state may obtain a wine direct shipper license. An applicant for an initial or renewal wine direct shipper license shall: (1) File an application with the department on a form prescribed by the department; (2) Pay a license fee of \$100; (3) Submit a copy of the applicant's current federal basic wine manufacturing permit; (4) Register each brand label offered for sale in this state, if not previously registered, and pay all applicable brand registration fees pursuant to chapter 39-13; (5) Hold a South Dakota sales and use tax license issued by the department; and (6) Be current on the remittance of all applicable state and local taxes. The department shall issue a wine direct shipper license to any applicant who meets the requirements of this chapter.</p>

S.D. Codified Laws Ann. §35-12B-5

Notwithstanding any other provisions of title 35, a direct shipper licensed pursuant to this chapter may sell and ship wine to any person in this state who is 21 years of age or older if the wine is registered for direct shipment as required pursuant to §35-12B-2. Before shipping the wine, the direct shipper shall verify the age of the person placing the order by obtaining a copy of the person's valid age-bearing photo identification document issued by this state, another state, or the federal government, or by using an age verification service. The direct shipper shall record the name, address, date of birth, and telephone number of the person placing the order on the order form or other verifiable record. The direct shipper shall notify the person placing the order that the recipient of the shipment is required to show a valid age-bearing photo identification document issued by this state, another state, or the federal government upon delivery. No direct shipper may ship more than 12 cases of wine, containing no more than 9 liters per case, in any calendar year to any person for personal use under this chapter.

S.D. Codified Laws Ann. §35-12B-6

A direct shipper shall label each package to be shipped in accordance with the provisions of this chapter so that it conspicuously contains words indicating the package contains alcohol and that the signature of a person twenty-one years of age or older is required for delivery. Any direct shipper who causes a direct shipment of wine in violation of the provisions of §35-12B-5 or this section is subject to a civil penalty of \$1,000 for a first offense and \$2,000 for a second or subsequent offense. Penalties may be levied by the Department of Revenue. Any money collected pursuant to this section shall be deposited in the general fund.

S.D. Codified Laws Ann. §35-12B-7

Each shipment of wine made in accordance with this chapter shall be delivered by a wine carrier and shall be accompanied by a shipping label that conforms to the requirements contained in §35-12B-6. The wine carrier shall obtain the signature of a person twenty-one years of age or older prior to delivery of the shipment, and shall request that the person signing for the shipment display a valid age-bearing photo identification document issued by this state, another state, or the federal government verifying that the person is 21 years of age or older.

	<p>Any common carrier or wine carrier who delivers wine to a person under 21 years of age is subject to a civil penalty of \$1,000 for a first offense and \$2,000 for a second or subsequent offense. Any money collected pursuant to this section shall be deposited in the general fund.</p> <p>S.D. Codified Laws Ann. §35-12B-13 A direct shipper shall pay the alcohol excise tax as prescribed pursuant to §35-5-2, according to the rates established in subdivisions §35-5-3(2), (3), and (4). Notwithstanding the filing and payment requirements prescribed in chapter 35-5, a direct shipper shall include on the report required by §35-12B-11 the gallons of wine shipped to recipients in this state in each wine category as set forth in subdivisions §35-5-3(2), (3), and (4), and calculate the tax due for each wine category.</p> <p>Additionally, the direct shipper shall pay the tax imposed by §35-5-6.1 on shipped wine based upon the purchase price of the wine sold to the consumer. The direct shipper shall remit the taxes quarterly on or before the fifteenth day of the month following each quarterly period.</p> <p>A direct shipper that is also licensed as a farm winery under this title shall receive a credit for any alcohol excise tax paid pursuant to this title for any wine sold for shipment in this state by the direct shipper.</p> <p>S.D. Codified Laws Ann. §35-12B-15 Any sale and shipment of wine directly to a person in this state from a winery that does not hold a current wine direct shipper license is prohibited. For the first offense, the department shall send a certified letter to any person who violates this section and order the person to cease and desist any shipment of wine into this state. For any subsequent violation, the department shall notify the alcoholic beverage control agency in the person's state of domicile, if other than this state, and the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury of the violation. Any person who violates this section is subject to a civil penalty of up to \$5,000. Any money collected pursuant to this section shall be deposited in the general fund.</p>
A. Samoa	<i>Statutes unavailable</i>
Tennessee	<p>Type of Alcohol and Whether License or Permit Required: Tenn. Code Ann. §57-3-217 Wine; requires direct shipper's license</p>

Maximum Amount for Shipping:

Cannot exceed a total of 9 liters of wine to any individual during any calendar month nor shall the shipper ship more than 27 liters of wine to any individual in any calendar year.

Direct Shipping License or Permit:

Tenn. Code Ann. §57-3-217

(a) Any person, firm or corporation that holds a federal basic permit pursuant to the Federal Alcohol Administration Act (27 U.S.C. §201 *et seq.*), and is in the business of manufacturing, bottling or rectifying wine may apply to the commission for a winery direct shipper's license under this section. Applicants for a winery direct shipper's license shall submit to the commission a copy of the federal basic permit and a permit for the manufacturing, bottling, or rectification of wine from the state where such wine is produced.

(b) A winery direct shipper, meeting the requirements of this section, shall be authorized to make sales and delivery of wine, as defined in §57-3-101, by common carrier to the citizens of this state over the age of 21 who have purchased the wine directly from the winery direct shipper, subject to the limitations and requirements imposed by this section.

(c) As a condition to the issuance of a winery direct shipper's license as authorized in this section, an applicant for the license must satisfy the following conditions: (1) Pay to the commission a one-time nonrefundable fee in the amount of \$300 when the application is submitted for review. A winery direct shipper's license under this section shall not be issued until the applicant has paid to the commission the annual license fee of \$150; (2) Execute a consent to jurisdiction and venue of all actions brought before the commission, any state agency or the courts of this state, such that any and all hearings, appeals and other matters relating to the license of the winery direct shipper shall be held in this state; (3) Acknowledge, in writing, that it will contract only with common carriers that agree that any delivery of wine made in this state shall be by face-to-face delivery and that deliveries will only be made to individuals who demonstrate that the individuals are over 21 years of age and the individuals sign upon receipt of the wine.

(d)(1) No winery direct shipper may ship more than a total of 9 liters of wine to any individual during any calendar month nor shall the shipper ship more than 27 liters of wine to any individual in any calendar year. (2) Any shipment of wine pursuant to this section shall be made only in

containers that clearly indicate on the exterior of the container, visible to a person at least 3 feet away, that the container "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

(e)(1) A winery direct shipper shall be responsible for remitting all sales taxes due resulting from any sale made under this section. In addition to all sales taxes imposed upon such sale, a winery direct shipper shall remit the gallonage tax as imposed by §57-3-302. (2) The taxes levied on sales made by a winery direct shipper as authorized by this section shall become due and payable on the first day of each month following the month during which the sales occur, and shall become delinquent if not paid on or before the twentieth day of each such following month. For the purpose of ascertaining the amount of tax due, it is the duty of any winery direct shipper licensed pursuant to this section to transmit to the commissioner of revenue appropriate returns on forms prescribed by the commissioner. (3) Upon request of the commission or its designated agent, any winery direct shipper licensed pursuant to this section shall provide to the commission, under penalty of perjury, a list of any wine shipped to an address within this state, including the addressee. (4) The commission may enforce the requirements of this section by administrative action, may suspend or revoke a winery direct shipper's license and may accept an offer in compromise in lieu of suspension. (5) A winery direct shipper that is found to have violated this title, in addition to any fine imposed by the commission, shall reimburse the commission for all costs incurred in connection with the investigation and administrative action, including the out-of-pocket costs and reasonable personnel costs. (6) No winery direct shipper may avoid liability under this section by subcontracting with a third party to perform its obligations required pursuant to this section.

(f) The commission and the department of revenue are authorized to promulgate rules and regulations that may be necessary to implement this section, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(g)(1) It is an offense for a person who does not possess a winery direct shipper's license to ship wine to residents of this state. (2) A violation of subdivision (g)(1) is a Class E felony, punishable by a fine only.

(h)(1) Each common carrier that contracts with a winery direct shipper under this section for delivery of wine, beer, or other alcoholic beverages into this state shall prepare and file monthly with the department of revenue a report of known wine, beer, or other alcoholic beverage

	<p>shipments containing the name of the common carrier making the report, the period of time covered by the report, the name and business address of the consignor, the name and address of each consignee, the weight of the package delivered to each consignee, a unique tracking number, and the date of delivery. Reports received by the department of revenue must be made available to the public pursuant to the open records law, compiled in title 10, chapter 7. (2) Upon the request of the commissioner of revenue, any records supporting the report must be made available to the department of revenue within a reasonable time after the commissioner makes a written request for such records. Any records containing information relating to such reports must be retained and preserved for a period of 2 years, unless destruction of the records prior to the end of such retention period is authorized in writing by the department of revenue. Such records must be open and available for inspection by the department of revenue upon written request. Reports must also be made available to any law enforcement agency or regulatory body of any local government in this state in which the common carrier making the report resides or does business. (3) Any common carrier that willfully fails to make reports in accordance with this section or that violates any rules of the department of revenue for the administration and enforcement of this section is subject to a notification of violation. If a common carrier continually fails to make reports, the common carrier may be fined in an amount not to exceed \$500 for each delivery not reported to the department of revenue. Unpaid fines assessed under this subdivision (h)(3) must be collected in accordance with title 67, chapter 1. (4) This subsection (h) does not apply to common carriers regulated under 49 U.S.C. §§10101 <i>et seq.</i>, or to rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as defined in 49 CFR §1090.1, or highway TOFC/COFC service provided by a rail carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including, without limitation, any other TOFC/COFC transportation as defined under federal law.</p>
<p>Texas</p>	<p>Type of Alcohol and Whether License or Permit Required: Tex. Alcoholic Beverage Code Ann. §16.09 Wine; requires winery permit</p> <p>Maximum Amount for Shipping: Cannot exceed 9 gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period.</p>

Direct Shipping License or Permit:

Tex. Alcoholic Beverage Code Ann. §16.09

(a) The holder of a winery permit may ship wine to the ultimate consumer, including ultimate consumers located in dry areas. Delivery must be by the holder of a carrier permit.

(b) All wine shipped to an ultimate consumer by the holder of a winery permit must be in a package that is clearly and conspicuously labeled showing that: (1) the package contains wine; and (2) the package may be delivered only to a person described in Subsection (c).

(c) Wine shipped by the holder of a winery permit may not be delivered to any person other than: (1) the person who purchased the wine; (2) a recipient designated in advance by such purchaser; or (3) a person at the delivery address who is age 21 or over.

(d) Wine may be delivered only to a person who is age 21 or over after the person accepting the package: (1) presents valid proof of identity and age; and (2) personally signs a receipt acknowledging delivery of the package.

(e) The holder of a winery permit may not: (1) sell or ship wine to a minor; (2) deliver wine to a consumer using a carrier that does not hold a carrier's permit under this code; or (3) deliver to the same consumer in this state more than nine gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period.

Type of Alcohol and Whether License or Permit Required:

Tex. Alcoholic Beverage Code Ann. §54.01 *et seq.*

Maximum Amount for Shipping:

May not deliver to the same consumer in this state more than 9 gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period; or sell to ultimate consumers more than 35,000 gallons of wine annually.

Direct Shipping License or Permit:

Tex. Alcoholic Beverage Code Ann. §54.01

The holder of an out-of-state winery direct shipper's permit may sell and deliver wine that is produced or bottled by the permittee to an ultimate consumer located in the state of Texas.

Delivery must be by the holder of a carrier permit.

Tex. Alcoholic Beverage Code Ann. §54.02

The holder of an out-of-state winery direct shipper's permit may not: (1) sell or ship wine to a minor; (2) deliver wine to a consumer using a carrier that does not hold a carrier's permit under this code; (3) deliver to the same consumer in this state more than nine gallons of wine within any calendar month or more than 36 gallons of wine within any 12-month period; or (4) sell to ultimate consumers more than 35,000 gallons of wine annually.

Tex. Alcoholic Beverage Code Ann. §54.03

An out-of-state winery direct shipper's permit may only be issued to a person who: (1) does not hold a winery permit in the state of Texas; (2) operates a winery located in the United States and holds all state and federal permits necessary to operate the winery, including the federal winemaker's and blender's basic permit; (3) holds a Texas sales tax permit; (4) expressly submits to personal jurisdiction in Texas state and federal courts and expressly submits to venue in Travis County, Texas, as proper venue for any proceedings that may be initiated by or against the commission; and (5) does not directly or indirectly have any financial interest in a Texas wholesaler or retailer as those terms are used in §102.01.

Tex. Alcoholic Beverage Code Ann. §54.04

The annual state fee for an out-of-state winery direct shipper's permit is \$75.

Tex. Alcoholic Beverage Code Ann. §54.05

(a) All wine sold or shipped by the holder of an out-of-state winery direct shipper's permit must be in a package that is clearly and conspicuously labeled showing that: (1) the package contains wine; and (2) the package may only be delivered to a person described in Subsection (b).

(b) Wine sold or shipped by a holder of an out-of-state winery direct shipper's permit may not be delivered to any person other than: (1) the person who purchased the wine; (2) a recipient designated in advance by such purchaser; or (3) a person at the delivery address who is age 21 or over.

(c) Wine may be delivered only to a person who is age 21 or over after the person accepting the

package: (1) presents valid proof of identity and age; and (2) personally signs a receipt acknowledging delivery of the package.

Tex. Alcoholic Beverage Code Ann. §54.06

(a) The holder of an out-of-state winery direct shipper's permit shall maintain records of all sales and deliveries made under the permit.

(b) The holder of an out-of-state winery direct shipper's permit shall maintain complete sales and delivery records for all sales and deliveries made under the permit for at least five years from the date of sale. These records shall be made available upon request for inspection by the commission or any other appropriate state agency.

(c) The commission shall establish rules requiring the holder of an out-of-state winery direct shipper's permit to periodically file reports providing the commission with such information as the commission may determine is needed to more efficiently and effectively enforce the state laws applicable to the permit holder.

Tex. Alcoholic Beverage Code Ann. §54.07

(a) Sales made by the holder of an out-of-state winery direct shipper's permit shall be deemed to have been made in the state of Texas for delivery in the state of Texas.

(b) The holder of an out-of-state winery direct shipper's permit shall be responsible for paying the following state taxes related to sales and deliveries made under this chapter: (1) excise taxes on the wine sold, payable at the same rate and in the same manner as if the permittee were a Texas winery located in Texas; and (2) state sales and use taxes all payable at the same rate and in the same manner as if the permittee were a Texas winery located in Texas.

(c) An ultimate consumer who purchases wine from the holder of an out-of-state winery direct shipper's permit under this chapter shall be considered to be purchasing the wine from a Texas permittee and shall not be charged the administrative fee for personal imports set forth in §107.07.

Tex. Alcoholic Beverage Code Ann. §54.08

A consumer purchasing wine from the holder of an out-of-state winery direct shipper's permit may not resell the wine, and any such wine that is resold is an illicit beverage as defined in

	<p>§1.04(4).</p> <p>Tex. Alcoholic Beverage Code Ann. §54.09 Wine shipped under this chapter may be delivered to persons located in a dry area.</p> <p>Tex. Alcoholic Beverage Code Ann. §54.10 If the holder of an out-of-state winery direct shipper's permit has satisfied all federal label approval requirements for a particular brand of wine, then no further label approval shall be required by the commission.</p> <p>Tex. Alcoholic Beverage Code Ann. §54.11 The commission shall adopt rules and forms necessary to implement this chapter.</p> <p>Tex. Alcoholic Beverage Code Ann. §54.12 Any person who does not hold an out-of-state winery direct shipper's permit who sells and ships alcohol from outside of Texas to an ultimate consumer in Texas commits on first offense a Class B misdemeanor, on second offense a Class A misdemeanor, and on third offense a state jail felony.</p>
<p>Utah <i>Wine subscription program delivered to state store or package agency</i></p>	<p>Type of Alcohol and Whether License or Permit Required: Utah Code Ann. §32B-2-701 <i>et seq.</i> Wine (1) The department shall establish and administer a wine subscription program as described in this part. (2) The subscription program shall permit an individual to subscribe to a wine subscription that a wine subscription business sells or offers for sale by: (a) enrolling in the wine subscription program in a manner the department prescribes; (b) authorizing the department to purchase the wine subscription in the individual's name; (c) paying the department, in a manner the department prescribes: (i) the price of the wine subscription; (ii) in addition to any tax, the markup described in §32B-2-304(4); and (iii) a fee the department charges in accordance with §32B-2-703(1); and (d) designating the state store or package agency at which the individual would prefer to collect the wine. (3) The department shall: (a) designate by contract with a wine subscription business the</p>

	<p>department warehouse to which the wine subscription business ships or transports wine under the subscription program; (b) deliver wine purchased through the subscription program to the appropriate state store or package agency; and (c) notify a subscriber when wine purchased through the subscription program is ready for the subscriber to collect from the state store or package agency described in Subsection (3)(b).</p>
<p>Vermont</p>	<p>Type of Alcohol and Whether License or Permit Required: Vt. Stat. Ann. tit. 7, §277 Malt beverages or wine; requires in-state consumer shipping license or out-of-state consumer shipping license</p> <p>Maximum Amount for Shipping: A licensee shall not ship more than 12 cases of malt beverages containing no more than 36 gallons of malt beverages or no more than 12 cases of vinous beverages containing no more than 29 gallons of vinous beverages to any one Vermont resident in any calendar year.</p> <p>Direct Shipping License or Permit: Vt. Stat. Ann. tit. 7, §277 (a) (1) A manufacturer or rectifier of malt or vinous beverages licensed in Vermont may be granted an in-state consumer shipping license by filing with the Department of Liquor Control an application in a form required by the commissioner accompanied by a copy of the applicant's current Vermont manufacturer's license and the fee provided in §204 of this title. (2) An in-state consumer shipping license may be renewed annually by submitting to the Department the fee provided in §204 of this title accompanied by a copy of the licensee's current Vermont manufacturer's license. (b) (1) A manufacturer or rectifier of malt or vinous beverages licensed in another state that operates a brewery or winery in the United States and holds valid state and federal permits and licenses may be granted an out-of-state consumer shipping license by filing with the Department of Liquor Control an application in a form required by the commissioner accompanied by copies of the applicant's current out-of-state manufacturer's license and the fee provided in §204 of this title. (2) An out-of-state consumer shipping license may be renewed annually by submitting to the Department the fee provided in §204 of this title accompanied by the licensee's current out-of-</p>

state manufacturer's license. (3) As used in this section, "out-of-state" means any state other than Vermont, any territory or possession of the United States, and does not include a foreign country. (c) (1) A consumer shipping license granted pursuant to this section shall permit the licensee to ship malt or vinous beverages produced by the licensee to private residents for personal use and not for resale. (2) A licensee shall not ship more than 12 cases of malt beverages containing no more than 36 gallons of malt beverages or no more than 12 cases of vinous beverages containing no more than 29 gallons of vinous beverages to any one Vermont resident in any calendar year. (3) The beverages shall be shipped by common carrier certified by the Department pursuant to section 280 of this subchapter. The common carrier shall comply with all the following: (A) deliver beverages pursuant to an invoice that includes the name of the licensee and the name and address of the purchaser; (B) on delivery, require a valid authorized form of identification, as defined in §589 of this title, from a recipient who appears to be under 30 years of age; and (C) require the recipient to sign an electronic or paper form or other acknowledgment of receipt.

Type of Alcohol and Whether License or Permit Required:

Vt. Stat. Ann. tit. 7, §279

Direct Shipping License or Permit:

A holder of a shipping license granted pursuant to §277 or §278 of this subchapter shall comply with all of the following:

- (1) Ensure that all containers of alcoholic beverages are shipped in a container that is clearly labeled: "contains alcohol; signature of individual 21 years of age or older required for delivery."
- (2) Not ship to any address in a municipality that the Department of Liquor Control identifies as having voted to be "dry."
- (3) Retain a copy of each record of sale for a minimum of five years from the date of shipping.
- (4) Report at least twice per year to the Department if a holder of a consumer shipping license and once per year if a holder of a retail shipping license in a manner and form required by the Commissioner all the following information: (A) the total amount of malt or vinous beverages shipped into or within the state during the preceding six months if a holder of a consumer shipping license or during the preceding 12 months if a holder of a retail shipping license; (B) the names and addresses of the purchasers to whom the beverages were shipped; and (C) the date

	<p>purchased, the quantity and value of each shipment, and, if applicable, the name of the common carrier used to make each delivery.</p> <p>(5) Pay to the commissioner of Taxes the tax required pursuant to section 421 of this title on the malt or vinous beverages shipped pursuant to this subchapter and comply with the provisions of 32 V.S.A. chapter 233, 24 V.S.A. § 138, and any other legally authorized local sales taxes. Delivery in this state shall be deemed to constitute a sale in this state at the place of delivery and shall be subject to all appropriate taxes levied by the State of Vermont.</p> <p>(6) Permit the state treasurer, the Department of Liquor Control, and the Department of Taxes, separately or jointly, upon request, to perform an audit of its records.</p> <p>(7) If an out-of-state license holder, be deemed to have consented to the jurisdiction of the Liquor Control Board, Department of Liquor Control, or any other State agency and the Vermont State courts concerning enforcement of this or other applicable laws and rules.</p> <p>(8) Not have any direct or indirect financial interest in a Vermont wholesale dealer or retail dealer, including a first-, second-, or third-class licensee.</p> <p>(9) Comply with all applicable laws and Liquor Control Board rules.</p> <p>(10) Comply with the beverage container deposit redemption system pursuant to 10 V.S.A. chapter 53.</p>
<p>Virginia</p>	<p>Type of Alcohol and Whether License or Permit Required: Va. Code §4.1-209.1 Wine and beer; requires wine shipper’s or beer shipper’s license</p> <p>Maximum Amount for Shipping: Not more than 2 cases of wine per month nor more than 2 cases of beer per month. A case of wine shall mean any combination of packages containing not more than 9 liters of wine. A case of beer shall mean any combination of packages containing not more than 288 ounces of beer.</p> <p>Direct Shipping License or Permit: Va. Code §4.1-209.1 A. Holders of wine shippers' licenses and beer shippers' licenses issued pursuant to this section may sell and ship not more than 2 cases of wine per month nor more than 2 cases of beer per month to any person in Virginia to whom alcoholic beverages may be lawfully sold. All such sales</p>

and shipments shall be for personal consumption only and not for resale. A case of wine shall mean any combination of packages containing not more than nine liters of wine. A case of beer shall mean any combination of packages containing not more than 288 ounces of beer. Any winery or farm winery located within or outside the commonwealth may apply to the Board for issuance of a wine shipper's license that shall authorize the shipment of brands of wine and farm wine identified in such application. Any brewery located within or outside the commonwealth may apply to the Board for issuance of a beer shipper's license that shall authorize the shipment of brands of beer identified in such application. Any person located within or outside the commonwealth who is authorized to sell wine or beer at retail in their state of domicile and who is not a winery, farm winery, or brewery may nevertheless apply for a wine or beer shipper's license, or both, if such person satisfies the requirements of this section. Any brewery, winery, or farm winery that applies for a shipper's license or authorizes any other person, other than a retail off-premises licensee, to apply for a license to ship such brewery's, winery's or farm winery's brands of wine or beer shall notify any wholesale licensees that have been authorized to distribute such brands that an application has been filed for a shipper's license. The notice shall be in writing and in a form prescribed by the Board. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section, including regulations that permit the holder of a shipper's license to amend the same by, among other things, adding or deleting any brands of wine, farm wine, or beer identified in such shipper's license.

B. Any applicant for a wine or beer shipper's license that does not own or have the right to control the distribution of the brands of wine, farm wine, or beer identified in such person's application may be issued a shipper's license for wine or beer or both, if the applicant has obtained and filed with its application for a shipper's license, and with any subsequent application for renewal thereof, the written consent of either (i) the winery, farm winery, or brewery whose brands of wine, farm wine, or beer are identified therein or (ii) any wholesale distributor authorized to distribute the wine or beer produced by the winery, farm winery or brewery. Any winery, farm winery, or brewery, or its wholesale distributor, that has provided written authorization to a shipper licensed pursuant to this section to sell and ship its brand or brands of wine, farm wine, or beer shall not be restricted by any provision of this section from withdrawing such authorization at any time. If such authorization is withdrawn, the winery, farm winery, or brewery shall promptly notify such shipper licensee and the Board in writing of its decision to withdraw from

such shipper licensee the authority to sell and ship any of its brands, whereupon such shipper licensee shall promptly file with the Board an amendment to its license eliminating any such withdrawn brand or brands from the shipper's license.

C. The direct shipment of beer and wine by holders of licenses issued pursuant to this section shall be by approved common carrier only. The Board shall develop regulations pursuant to which common carriers may apply for approval to provide common carriage of wine or beer, or both, shipped by holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age; (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board; and (iii) the Board-approved common carrier to submit to the Board such information as the Board may prescribe. The Board-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All licensees shipping wine or beer pursuant to this section shall affix a conspicuous notice in 16-point type or larger to the outside of each package of wine or beer shipped within or into the Commonwealth, in a conspicuous location stating: "CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the shipper licensee shall be liable only for their independent acts.

D. For purposes of §§4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 *et seq.*) of Title 58.1, each shipment of wine or beer by a wine shipper licensee or a beer shipper licensee shall constitute a sale in Virginia. The licensee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation.

E. Notwithstanding the provisions of §4.1-203, the holder of a wine shipper license or beer shipper license may solicit and receive applications for subscription to a wine-of-the-month or beer-of-the-month club at in-state or out-of-state locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. For the purposes of this subsection, "wine-of-the-month club" or "beer-of-the-month club" shall mean an agreement between an in-state or out-of-state holder of a wine shipper license or beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the

consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

F. Notwithstanding the provisions of §4.1-203, a wine or beer shipper licensee may ship wine or beer as authorized by this section through the use of the services of an approved fulfillment warehouse. For the purposes of this section, a “fulfillment warehouse” means a business operating a warehouse and providing storage, packaging, and shipping services to wineries or breweries. The Board shall develop regulations pursuant to which fulfillment warehouses may apply for approval to provide storage, packaging, and shipping services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the fulfillment warehouse to demonstrate that it is appropriately licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved fulfillment warehouse to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the fulfillment warehouse and each wine or beer shipper licensed under this section to whom services are provided to enter into a contract designating the fulfillment warehouse as the agent of the shipper for purposes of complying with the provisions of this section.

G. Notwithstanding the provisions of §4.1-203, a wine or beer shipper licensee may sell wine or beer as authorized by this section through the use of the services of an approved marketing portal. For the purposes of this section, a “marketing portal” means a business organized as an agricultural cooperative association under the laws of a state, soliciting and receiving orders for wine or beer and accepting and processing payment of such orders as the agent of a licensed wine or beer shipper. The Board shall develop regulations pursuant to which marketing portals may apply for approval to provide marketing services to holders of licenses issued pursuant to this section. Such regulations shall include provisions that require (i) the marketing portal to demonstrate that it is appropriately organized as an agricultural cooperative association and licensed for the services to be provided by the state in which its place of business is located, (ii) the Board-approved marketing portal to maintain such records and to submit to the Board such information as the Board may prescribe, and (iii) the marketing portal and each wine or beer shipper licensed under this section to whom services are provided to enter into a contract designating the marketing portal as the agent of the shipper for purposes of complying with the provisions of this section.

Type of Alcohol and Whether License or Permit Required:

Va. Code §4.1-212.1

Beer and wine; requires delivery permit

Maximum Amount for Shipping:

No more than 4 cases of wine nor more than 4 cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the permittee may deliver more than 4 cases of wine or more than 4 cases of beer if he notifies the Department in writing at least 1 business day in advance of any such delivery, which notice contains the name and address of the intended recipient.

Direct Shipping License or Permit:

Va. Code §4.1-212.1

A. Any brewery, winery, or farm winery located within or outside the commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the Board for issuance of a delivery permit that shall authorize the delivery of the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the commonwealth for personal consumption.

B. Any person located within or outside the commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in their state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal consumption.

C. All such deliveries shall be to consumers within the commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by either (i) the owner or any agent, officer, director, shareholder or employee of the permittee or (ii) an independent contractor of the permittee, provided that (a) the permittee has entered into a written agreement with the independent contractor establishing that the permittee shall be vicariously liable for any administrative violations of this section or §4.1-304 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine made on behalf of

	<p>the permittee and (b) only one individual takes possession of the beer, wine, or farm wine during the course of the delivery. No more than 4 cases of wine nor more than 4 cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the permittee may deliver more than 4 cases of wine or more than 4 cases of beer if he notifies the Department in writing at least 1 business day in advance of any such delivery, which notice contains the name and address of the intended recipient. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.</p> <p>D. For purposes of §§4.1-234 and 4.1-236 and Chapter 6 (§58.1-600 <i>et seq.</i>) of Title 58.1, each delivery of wine or beer by a permittee shall constitute a sale in Virginia. The permittee shall collect the taxes due to the commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.</p>
<p>U.S. Virgin Islands</p>	<p><i>Not specified in statute</i></p>
<p>Washington</p>	<p>Type of Alcohol and Whether License or Permit Required: Wash. Rev. Code §66.20.360 <i>et seq.</i> Wine; requires wine shipper's permit</p> <p>Direct Shipping License or Permit: Wash. Rev. Code §66.20.360 The holder of a license to manufacture wine issued by this state or another state may ship its wine to a person who is a resident of Washington and is 21 years of age or older for that person's personal use and not for resale.</p> <p>Wash. Rev. Code §66.20.365 Before wine may be shipped by a domestic winery or an out-of-state winery to a person who is a resident of Washington, the winery must: (1) Obtain a wine shipper's permit under procedures prescribed by the board by rule and pay a fee established by the board, if the winery is located outside the state; or (2) Be licensed as a domestic winery by the board and have paid the annual license fee.</p>

Wash. Rev. Code §66.20.370

(1) An applicant for a wine shipper's permit under RCW 66.20.365 must: (a) Operate a winery located in the United States; (b) Provide the board a copy of its valid license to manufacture wine issued by another state; (c) Certify that it holds all state and federal licenses and permits necessary to operate a winery; and (d) Register with the Department of Revenue under RCW 82.32.030.

(2) Holders of a winery certificate of approval under RCW 66.24.206(1)(a) are deemed to hold a wine shipper's permit without further application or fee, if the holder meets all requirements for a wine shipper's permit. A winery certificate of approval holder who wants to ship wine under its wine shipper's permit privilege must notify the liquor control board in a manner determined by the board before shipping any wine to a Washington consumer.

(3) Holders of a wine shipper's permit must: (a) Pay the tax under RCW 66.24.210 for sales of wine to Washington state residents; and (b) Collect and remit to the Department of Revenue all applicable state and local sales and use taxes imposed by or under the authority of chapters 82.08, 82.12, and 82.14 RCW on all sales of wine delivered to buyers in this state, regardless of whether the permit holder has a physical presence in this state.

Wash. Rev. Code §66.20.375

(1) A domestic winery or a wine shipper's permit holder must clearly label all wine cases or outside shipping packages of wine sent into or out of this state under chapter 49, Laws of 2006 to indicate that the package cannot be delivered to a person under 21 years of age or to an intoxicated person.

(2) A domestic winery or a wine shipper's permit holder must ensure that the private carrier used to deliver wine (a) obtains the signature of the person who receives the wine upon delivery, (b) verifies the age of the recipient, and (c) verifies that the recipient does not appear intoxicated at the time of delivery.

Wash. Rev. Code §66.20.380

(1) A wine shipper's permit holder and a domestic winery must report to the board, on or before the 20th day of each month, all shipments of wine made during the preceding calendar month

	<p>directly to Washington consumers under a wine shipper's permit or a domestic winery license in effect for all or any portion of the preceding year. All reports will be on forms prescribed by the board.</p> <p>(2) A wine shipper's permit holder, a winery certificate of approval holder, or domestic winery who advertises or offers wine for direct shipment to customers within this state must clearly and conspicuously display the permit or license number in its advertising.</p> <p>Wash. Rev. Code §66.20.385 A fee for a wine shipper's permit may be established by the board.</p> <p>Wash. Rev. Code §66.20.390 (1) Holders of a wine shipper's permit are deemed to have consented to the jurisdiction of Washington concerning enforcement of chapter 49, Laws of 2006 and all laws, rules, and regulations related to the shipment of wine from wine manufacturers directly to consumers. (2)(a) A permit issued under chapter 49, Laws of 2006 to a wine manufacturer located outside this state who fails to comply with the provisions of chapter 49, Laws of 2006 shall be suspended or revoked. (b) The privilege to ship wine directly to Washington consumers under a domestic winery license shall be suspended or revoked if the domestic winery fails to comply with the provisions of chapter 49, Laws of 2006.</p>
<p>West Virginia</p>	<p>Type of Alcohol and Whether License or Permit Required: W. Va. Code §60-8-1 <i>et seq.</i> Wine; requires direct shipper's license</p> <p>Maximum Amount for Shipping: Up to two cases of wine per month. A case is defined as any combination of packages containing not more than 9 liters of wine.</p> <p>Direct Shipping License or Permit: W. Va. Code §60-8-1 (a) Every supplier must use a distributor to distribute wine for retail sale in this state, except for such sales that occur by wineries, farm wineries or suppliers holding a direct shipper's license or</p>

farm wineries holding a multi-capacity farm winery license.

W. Va. Code §60-8-6

(a) Except as to the commissioner and except as provided in subsection (b) of this section, no person may offer for sale or sell wine in this state, or offer wine for shipment into this state, except to a distributor who is duly licensed under this article. Every person, whether resident or nonresident in this state, who is engaged in or desires to engage in the sale or shipment of wine to a distributor for resale under this article shall, prior to engaging in such activities, register with the commissioner. If any such person violates the provisions of this article, he shall not be permitted to sell, ship or deliver any wine to a distributor or to the commissioner, or otherwise engage in the wine business in this state for a period of one year from the date a notice is mailed to such person by the commissioner of the fact that such person has violated the provisions of this article. During such one-year period, it shall be unlawful for any distributor within this state to buy or receive wine from such person or to have any dealings with such person with respect thereto. Hearings and appeals on such notices may be had in the same manner as in the case of revocations of licenses under this article.

(b) Notwithstanding the provisions of this chapter or any other law to the contrary, any person or winery that is currently licensed and in good standing in its domicile state as a winery, farm winery, supplier or retailer of wine and who obtains a direct shipper's license from the commissioner, as provided in this chapter, may ship up to a maximum of two cases of wine per month directly to adult West Virginia residents who are 21 years of age or over, for such adult resident's personal use and consumption and not for resale. Licensed direct shippers must maintain accurate records of all shipments sent to West Virginia residents. All shipments of wine into West Virginia by licensed direct shippers shall be made by a licensed and bonded shipping carrier. Direct shippers and their carriers shall not ship wine to areas of West Virginia where wine may not be lawfully sold by county, local or municipal law. Any holder of a direct shipper's license must collect all taxes, sales taxes, municipal taxes and the liter tax due to West Virginia, remit all sales, municipal taxes and the liter tax to the tax commissioner at the close of each month and file a monthly return reflecting the taxes paid for all sales and shipments to residents in West Virginia. The commissioner shall prescribe the forms to be used to file the monthly returns. The shipping container of any wine sent into or out of this state under this subsection shall be clearly and

conspicuously labeled to indicate that the package cannot be delivered to: (1) Any person under the age of 21; (2) to an intoxicated person; or (3) to a person physically incapacitated due to the consumption of nonintoxicating beer, wine or alcoholic liquors or the use of drugs; and (4) the carriers are required to obtain a written or electronic signature upon delivery of an adult resident who the carrier verifies is at least 21 years of age or older and if the carrier is not able to obtain a signature of a verified adult resident at least 21 years of age or older, then the carrier may not complete the delivery of the wine shipment. Failure of any holder of a direct shipper's license or such licensee's carrier to abide by the provisions of this chapter and the commissioner's rules may subject the direct shipper to the penalties available to the commissioner under §18 of this article.

W. Va. Code §60-8-6a

(a) Before sending any shipment of wine to a resident of West Virginia, the direct shipper must first: (1) File a license application with the commissioner with the appropriate background check information, using forms required by the commissioner. Criminal background checks will not be required of applicants licensed in their state of domicile who can provide a certificate of good standing from their state of domicile; (2) Pay to the commissioner either the \$150 license fee to ship and sell only wine, the \$250 license fee to ship and sell wine and nonfortified dessert wine, port, sherry or Madeira wines, or the \$300 multi-capacity winery or farm winery license fee; (3) Obtain a business registration number from the tax commissioner; (4) Register with the office of the secretary of state, if a corporation; (5) Provide the commissioner a true copy of its current alcoholic beverage license issued in the state of domicile, proving that the direct shipper is licensed in its state of domicile as a winery, farm winery, supplier or retailer of wine; (6) Obtain from the commissioner a direct shipper's license; (7) Submit to the commissioner a list of all brands of wine to be shipped to West Virginia residents; and (8) Meet all other licensing requirements of this chapter and provide any other information that the commissioner may reasonably require.

(b) All direct shipper licensees shall: (1) Not ship more than two cases of wine per month to any person. A case is defined as any combination of packages containing not more than 9 liters of wine; (2) Not ship to any address in an area identified by the commissioner as a "dry" or local option area where it is unlawful to sell wine or alcoholic liquors; (3) Not ship to any licensed suppliers, distributors, retailers, private wine bed and breakfasts, private wine restaurants, private

wine spas or wine specialty shops; (4) Not ship wine from overseas or internationally unless it is first shipped to a licensed supplier or distributor; (5) Ensure that all containers of wine shipped directly to a resident in this state are clearly and conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY"; (6) File monthly returns to the commissioner and the tax commissioner showing the total of wines, by type, sold and shipped into West Virginia for the preceding month; (7) Pay to the tax commissioner all sales taxes, municipal taxes and the liter tax due on sales and shipments to residents of West Virginia in the preceding month, the amount of such taxes to be calculated as the sales were made in West Virginia at the location where delivery is made; (8) Permit the tax commissioner or commissioner or their designees to perform an audit of the direct shipper's records upon request; (9) Be deemed to have consented to the jurisdiction of the commissioner or any other state agency, the Kanawha County circuit court located in Charleston, West Virginia, concerning enforcement of this article and any other related laws, rules; and (10) Provide proof or records to the commissioner, upon request, that all direct shipments of wine were purchased and delivered to an adult resident of West Virginia over the age of 21 years of age.

(c) The direct shipper may annually renew its license with the commissioner by application, paying the direct shipper license fee and providing the commissioner with a true copy of a current alcoholic beverage license from the direct shipper's domicile state.

(d) The commissioner may promulgate rules to effectuate the purposes of this law.

(e) The commissioner may enforce the requirements of this section by administrative proceedings to suspend or revoke a direct shipper's license, and the commissioner may accept payment of a penalty or an offer in compromise in lieu of suspension, at the commissioner's discretion.

(f) Shipments of wine direct to consumers in West Virginia from persons who do not possess a current direct shipper's license or other permit or license from the commissioner are prohibited. Any person who knowingly makes, participates in, transports, imports or receives such an unlicensed and unauthorized direct shipment is guilty of a felony and shall, upon conviction thereof, be fined in an amount not to exceed \$10,000 per violation or shall be imprisoned in jail for a period not to exceed 72 hours. Without limitation on any punishment or remedy, criminal or civil, any person who knowingly makes, participates in, transports, imports or receives such a direct shipment constitutes an act that is an unfair trade practice.

	<p>W. Va. Code §60-8-7</p> <p>Every person who sells or ships wine as a direct shipper to West Virginia adult residents or who sells or ships wine to a distributor, and every distributor shall maintain records of all sales, shipments and deliveries, including invoices, records, receipts, bills of lading and other pertinent papers required by the commissioner. All such records shall be preserved for at least 2 years. The tax commissioner or the commissioner, or both, may inspect the books, accounts and records of any licensee and examine, under oath, any officer, agent or employee of any licensee or any person engaged in the business of selling, shipping or delivering wine to a distributor. The tax commissioner or the commissioner, or both, may require the production, within this state at the time and place the tax commissioner or the commissioner, or both, may designate, of any books, accounts, papers or records kept within or without the state, or verified copies in lieu thereof, in order that an examination thereof may be made by the tax commissioner, the commissioner or their duly designated agents.</p>
<p>Wisconsin</p>	<p>Type of Alcohol and Whether License or Permit Required: Wis. Stat. §125.535 Wine; requires direct wine shipper’s permit</p> <p>Maximum Amount for Shipping: No individual in this state may receive more than 108 liters of wine annually.</p> <p>Direct Shipping License or Permit: Wis. Stat. §125.535 (1) AUTHORIZED ACTIVITIES. The department shall issue direct wine shippers’ permits authorizing the permittee to ship wine directly to an individual in this state who is of the legal drinking age, who acknowledges receipt of the wine shipped, and who is not intoxicated at the time of delivery. (2) ANNUAL PERMIT FEE. The department may, by rule, establish an annual fee, not to exceed \$100, for each permit issued under this section. All fees collected under this subsection shall be credited to the appropriation account under §20.566 (1) (ha). (3) PERSONS ELIGIBLE. (a) A direct wine shipper’s permit may be issued under this section to any person that manufactures and bottles wine on premises covered by any of the following: 1. A manufacturer’s or rectifier’s permit under §125.52. 2. A winery permit under §125.53. 3. A winery</p>

license, permit, or other authorization issued to the winery by any state from which the winery will ship wine into this state. 4. A federal basic permit for a winery under 27 USC 203 and 204. (b) A winery located outside of this state is eligible for a direct wine shipper's permit under par. (a) 3. or 4. if all of the following apply: 1. The winery holds a valid business tax registration certificate issued under §73.03 (50). 2. The winery submits to the department, with any initial application or renewal for a certificate under §73.03 (50) or a permit under par. (a) 3. or 4., a copy of any current license, permit, or authorization issued to the winery by the state from which the winery will ship wine into this state or the winery's federal basic permit. (c) Notwithstanding §125.04 (5) (a), natural persons obtaining direct wine shippers' permits are not required to be residents of this state. Notwithstanding §125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Corporations and limited liability companies obtaining direct wine shippers' permits are subject to §125.04 (6) and any other person, including any natural person or cooperative, obtaining a direct wine shipper's permit shall appoint an agent, and be subject to all provisions of §125.04 (6), in the same manner applicable to corporations and limited liability companies.

(4) LABELS. Containers of wine shipped to an individual in this state under this section shall be clearly labeled to indicate that the package may not be delivered to an underage person or to an intoxicated person.

(5) RESTRICTIONS. No individual may resell, or use for a commercial purpose, wine received by the individual that is shipped under authority of this section.

(6) ANNUAL LIMIT. No individual in this state may receive more than 108 liters of wine annually shipped under authority of this section. Each individual shall be responsible for compliance with this annual limit. An individual who violates this annual limit is subject to §125.11 (1). This subsection does not apply to purchases made under a permit issued under §125.61.

Wis. Stat. §139.035

(1) All wine shipped directly to an individual located in Wisconsin by a person holding a direct wine shipper's permit under §125.535 shall be sold with the occupational tax imposed under §139.03 included in the selling price. As directed by the department, the taxes imposed under §139.03 shall be paid to, and a quarterly return filed with, the department once every quarter on or before the 15th day of the next month following the close of the calendar quarter. In addition

	<p>to filing a quarterly liquor tax return, each person holding a direct wine shipper’s permit under §125.535 shall be required to file an addendum, on forms furnished by the department, that provides, at minimum, the identity, quantity, and price of all wine shipped to individuals in this state during the previous quarter, along with the name, address, and birthdate of each person who purchased the wine as well as the name of the person of legal drinking age who acknowledged delivery of the wine. Working with permittees under §125.535, the department shall develop forms, in both paper and electronic format, for use by such permittees in obtaining this information and complying with any other requirement under this state’s law in connection with the direct shipment of wine. The department shall keep confidential, in the same manner required for tax returns under §71.78 (1) and (5) to (8), reports submitted under this subsection, but the department may use aggregated or summary information from such reports for purposes of §139.11 (4) (b).</p> <p>(2) Any failure of a person holding a direct wine shipper’s permit under §125.535 to pay the occupational tax or file the addendum required under sub. (1) within 30 days of its due date constitutes grounds for revocation or suspension of the permit. The provisions on timely filing under §71.80 (18) apply to the tax and addendum required under this section.</p> <p>(3) No wine may be shipped directly to an individual in this state by a person holding a direct wine shipper’s permit under §125.535 unless the tax imposed under §77.52 or §77.53 is paid on the sale of such wine.</p> <p>Type of Alcohol and Whether License or Permit Required: Wis. Stat. §125.58</p> <p>(4) A winery located outside of this state may ship wine into this state as provided under §125.535 and is not required to hold an out-of-state shipper’s permit under this section.</p>
<p>Wyoming</p>	<p>Type of Alcohol and Whether License or Permit Required: Wyo. Stat. §12-2-204 Wine; requires out-of-state shipper’s license</p> <p>Maximum Amount for Shipping: No more than a total of 36 liters of manufactured wine directly to any 1 household in this state in any 12-month period.</p>

Direct Shipping License or Permit:

Wyo. Stat. §12-2-204

(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship no more than a total of 36 liters of manufactured wine directly to any one household in this state in any 12-month period.

(b) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship to any Wyoming retail establishment which holds a liquor license in this state or any household in this state any manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation.

(c) Before sending any shipment to a household or to a licensed retailer in this state, the out-of-state shipper shall: (i) File an application with the liquor division of the department of revenue; (ii) Pay a license fee of \$50 to the liquor division; (iii) Provide a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile to the liquor division; (iv) Provide such other information as may be required by the liquor division; and (v) Obtain from the liquor division an out-of-state shipper's license, after the division conducts such investigation as it deems necessary.

(d) Any out-of-state shippers licensed pursuant to this section shall: (i) Not ship more than a total of 36 liters of manufactured wine to any one household in this state during any 12-month period. In the event any out-of-state shipper ships more than 90 liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the out-of-state shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices; (ii) Ship manufactured wine only to an individual who is at least 21 years of age for such individual's personal use and not for resale. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any person in this state. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any retail establishment which holds a liquor license in this state; (iii) Ensure that all shipping containers of manufactured wine shipped pursuant to this section are

conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVERY"; (iv) Ensure that all shipments into this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature; (v) Remit a tax of 12% of the retail price for each shipment of manufactured wine to the liquor division. Each out-of-state shipper shall file a monthly report with the liquor division and include a copy of the invoice for each shipment of manufactured wine and remit any tax due. The report shall be filed with the liquor division not later than the tenth of the month following the month in which the shipment was made. Any report filed late with the liquor division shall be subject to a late filing fee of \$25; (vi) Maintain records for at least three years as will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request; and (vii) Be deemed to have consented to the personal jurisdiction of the liquor division or any other state agency and the courts of this state concerning enforcement of this section and any related laws, rules or regulations.

(e) The out-of-state shipper shall annually renew its license with the liquor division by paying a renewal fee of \$50, providing a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile, and further providing other information as may be required.

(f) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor. Each shipment shall constitute a separate offense. Where the person holds an out-of-state shipper's license, license suspension or revocation may be in addition to or in lieu of the foregoing penalties.

Type of Alcohol and Whether License or Permit Required:

Wyo. Stat. §12-4-412

Wine; requires winery permit

Maximum Amount for Shipping:

No more than a total of 36 liters of its wine to any 1 household in this state during any 12-month period.

Direct Shipping License or Permit:

Wyo. Stat. §12-4-412

(f) Notwithstanding paragraph (b)(v) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship no more than a total of 18 liters of its manufactured wine directly to any 1 household in this state in any 12 month period.

(g) Notwithstanding paragraph (b)(v) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which holds a liquor license in this state.

(h) Any licensed winery holding a winery permit pursuant to this section shall: (i) Not ship more than a total of 36 liters of its manufactured wine to any 1 household in this state during any 12 month period; (ii) Offer to sell its manufactured wine to the liquor division at wholesale prices if the winery ships more than 90 liters total of any of its manufactured wine to any combination of households or licensed retailers in this state; (iii) Ship its manufactured wine only to individuals who are at least 21 years of age for such individual's personal use and not for resale; (iv) Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR DELIVERY"; (v) Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature; (vi) File a monthly report of wines shipped out of state on a form provided by the liquor division and include a copy of the invoice for each shipment of their own manufactured wine subject to the following: (A) The report shall be filed with the liquor division not later than the 10th of the month following the month in which the shipment was made; (B) Any report filed late with the liquor division shall be subject to a late filing fee of \$25. (vii) Maintain records for at least 3 years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.