



General Assembly

January Session, 2007

**Raised Bill No. 1204**

LCO No. 4391

\* SB01204GL 022707 \*

Referred to Committee on General Law

Introduced by:  
(GL)

**AN ACT CONCERNING ALCOHOL SHIPPING PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 30-16 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (e) (1) A manufacturer permit for a farm winery shall be in all  
5 respects the same as a manufacturer permit, except that the scope of  
6 operations of the holder shall be limited to wine and brandies distilled  
7 from grape products or other fruit products, including grappa and  
8 eau-de-vie. As used in this section, "farm winery" means any place or  
9 premises, located on a farm in the state in which wine is manufactured  
10 and sold.

11 (2) Such permit shall authorize (A) the sale in bulk by the holder  
12 thereof from the premises where the products are manufactured  
13 pursuant to such permit; (B) as to a manufacturer who produces one  
14 hundred thousand gallons of wine or less per year, the sale and  
15 shipment by the holder thereof to a retailer of wine manufactured by  
16 the farm winery permittee in the original sealed containers of not more

17 than fifteen gallons per container; (C) the sale and shipment by the  
18 holder thereof of wine manufactured by the farm winery permittee to  
19 persons outside the state; (D) the offering and tasting of free samples  
20 of such wine or brandy to visitors and prospective retail customers for  
21 consumption on the premises of the farm winery permittee; (E) the sale  
22 at retail from the premises of sealed bottles or other sealed containers  
23 of such wine or brandy for consumption off the premises; (F) the sale  
24 at retail from the premises of wine or brandy by the glass and bottle to  
25 visitors on the premises of the farm winery permittee for consumption  
26 on the premises; and (G) subject to the provisions of subdivision (3) of  
27 this subsection, the sale and delivery or shipment of wine  
28 manufactured by the permittee directly to a consumer in this state.  
29 Notwithstanding the provisions of subparagraphs (D), (E) and (F) of  
30 this subdivision, a town may, by ordinance or zoning regulation,  
31 prohibit any such offering, tasting or selling at retail at premises within  
32 such town for which a manufacturer permit for a farm winery has been  
33 issued.

34 (3) A permittee, when selling and shipping wine directly to a  
35 consumer in this state, shall: (A) Ensure that the shipping labels on all  
36 containers of wine shipped directly to a consumer in this state  
37 conspicuously state the following: "CONTAINS ALCOHOL—  
38 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR  
39 DELIVERY"; (B) obtain the signature of a person age twenty-one or  
40 older at the address prior to delivery, after requiring the signer to  
41 demonstrate that he or she is age twenty-one or older by providing a  
42 valid motor vehicle operator's license or a valid identity card described  
43 in section 1-1h; (C) not ship more than five gallons of wine in any  
44 [sixty-day] two-month period to any person in this state; (D) pay, to  
45 the Department of Revenue Services, all sales taxes and alcoholic  
46 beverage taxes due under chapters 219 and 220 on sales of wine to  
47 consumers in this state, and file, with said department, all sales tax  
48 returns and alcoholic beverage tax returns relating to such sales; (E)  
49 report to the Department of Consumer Protection a separate and  
50 complete record of all sales and shipments to consumers in the state,

51 on a ledger sheet or similar form which readily presents a  
52 chronological account of such permittee's dealings with each such  
53 consumer; (F) not ship to any address in the state where the sale of  
54 alcoholic liquor is prohibited by local option pursuant to section 30-9;  
55 and (G) hold an in-state transporter's permit pursuant to section 30-19f  
56 or make any such shipment through the use of a person who holds  
57 such an in-state transporter's permit.

58 (4) No licensed farm winery may sell any such wine or brandy not  
59 manufactured by such winery, except a licensed farm winery may sell  
60 from the premises wine manufactured by another farm winery located  
61 in this state.

62 (5) The farm winery permittee shall produce on the premises of the  
63 farm winery or on property adjacent to and under the same ownership  
64 and control of said permittee within the state an average crop of fruit  
65 equal to not less than twenty-five per cent of the fruit used in the  
66 manufacture of the farm winery permittee's wine. An average crop  
67 shall be defined each year as the average yield of the farm winery  
68 permittee's two largest annual crops out of the preceding five years,  
69 except that during the first seven years from the date of issuance of a  
70 farm winery permit, an average crop shall be defined as three tons of  
71 grapes for each acre of vineyard farmed by the farm winery permittee.

72 (6) A holder of a manufacturer permit for a farm winery, when  
73 advertising or offering wine for direct shipment to a consumer in this  
74 state via the Internet or any other on-line computer network, shall  
75 clearly and conspicuously state such liquor permit number in its  
76 advertising.

77 (7) The annual fee for a manufacturer permit for a farm winery shall  
78 be two hundred forty dollars.

79 Sec. 2. Subsection (b) of section 30-18 of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective*  
81 *October 1, 2007*):

82 (b) Subject to the provisions of this subsection, an out-of-state  
83 shipper's permit for alcoholic liquor other than beer shall allow the sale  
84 and delivery or shipment of wine manufactured by the permittee on  
85 the permitted premises directly to a consumer in this state. Such  
86 permittee, when selling and shipping wine directly to a consumer in  
87 this state, shall: (1) Ensure that the shipping labels on all containers of  
88 wine shipped directly to a consumer in this state conspicuously state  
89 the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON  
90 AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the  
91 signature of a person age twenty-one or older at the address prior to  
92 delivery, after requiring the signer to demonstrate that he or she is age  
93 twenty-one or older by providing a valid motor vehicle operator's  
94 license or a valid identity card described in section 1-1h; (3) not ship  
95 more than five gallons of wine in any [sixty-day] two-month period to  
96 any person in this state and not ship any wine until such permittee is  
97 registered, with respect to the permittee's sales of wine to consumers in  
98 this state, for purposes of the taxes imposed under chapters 219 and  
99 220, with the Department of Revenue Services; (4) pay, to the  
100 Department of Revenue Services, all sales taxes and alcoholic beverage  
101 taxes due under chapters 219 and 220 on sales of wine to consumers in  
102 this state, and file, with said department, all sales tax returns and  
103 alcoholic beverage tax returns relating to such sales, with the amount  
104 of such taxes to be calculated as if the sale were in this state at the  
105 location where delivery is made; (5) report to the Department of  
106 Consumer Protection a separate and complete record of all sales and  
107 shipments to consumers in the state, on a ledger sheet or similar form  
108 which readily presents a chronological account of such permittee's  
109 dealings with each such consumer; (6) permit the Department of  
110 Consumer Protection and Department of Revenue Services, separately  
111 or jointly, to perform an audit of the permittee's records upon request;  
112 (7) not ship to any address in the state where the sale of alcoholic  
113 liquor is prohibited by local option pursuant to section 30-9; (8) hold  
114 an in-state transporter's permit pursuant to section 30-19f or make any  
115 such shipment through the use of a person who holds such an in-state  
116 transporter's permit; and (9) execute a written consent to the

117 jurisdiction of this state, its agencies and instrumentalities and the  
118 courts of this state concerning the enforcement of this section and any  
119 related laws, rules, or regulations, including, but not limited to, tax  
120 laws, rules or regulations.

121 Sec. 3. Subsection (b) of section 30-18a of the general statutes is  
122 repealed and the following is substituted in lieu thereof (*Effective*  
123 *October 1, 2007*):

124 (b) Subject to the provisions of this subsection, an out-of-state  
125 winery shipper's permit for wine shall allow the sale and delivery or  
126 shipment of wine manufactured by the permittee directly to a  
127 consumer in this state. Such permittee, when selling and shipping  
128 wine directly to a consumer in this state, shall: (1) Ensure that the  
129 shipping labels on all containers of wine shipped directly to a  
130 consumer in this state conspicuously state the following: "CONTAINS  
131 ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER  
132 REQUIRED FOR DELIVERY"; (2) obtain the signature of a person age  
133 twenty-one or older at the address prior to delivery, after requiring the  
134 signer to demonstrate that he or she is age twenty-one or older by  
135 providing a valid motor vehicle operator's license or a valid identity  
136 card described in section 1-1h; (3) not ship more than five gallons of  
137 wine in any [sixty-day] two-month period to any person in this state  
138 and not ship any wine until such permittee is registered, with respect  
139 to the permittee's sales of wine to consumers in this state, for purposes  
140 of the taxes imposed under chapters 219 and 220, with the Department  
141 of Revenue Services; (4) pay, to the Department of Revenue Services,  
142 all sales taxes and alcoholic beverage taxes due under chapters 219 and  
143 220 on sales of wine to consumers in this state, and file, with said  
144 department, all sales tax returns and alcoholic beverage tax returns  
145 relating to such sales, with the amount of such taxes to be calculated as  
146 if the sale were in this state at the location where delivery is made; (5)  
147 report to the Department of Consumer Protection a separate and  
148 complete record of all sales and shipments to consumers in the state,  
149 on a ledger sheet or similar form which readily presents a

150 chronological account of such permittee's dealings with each such  
151 consumer; (6) permit the Department of Consumer Protection and  
152 Department of Revenue Services, separately or jointly, to perform an  
153 audit of the permittee's records upon request; (7) not ship to any  
154 address in the state where the sale of alcoholic liquor is prohibited by  
155 local option pursuant to section 30-9; (8) hold an in-state transporter's  
156 permit pursuant to section 30-19f or make any such shipment through  
157 the use of a person who holds such an in-state transporter's permit;  
158 and (9) execute a written consent to the jurisdiction of this state, its  
159 agencies and instrumentalities and the courts of this state concerning  
160 the enforcement of this section and any related laws, rules, or  
161 regulations, including tax laws, rules or regulations.

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

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

171 (e) (1) For purposes of chapter 219, the holder of an out-of-state  
172 winery shipper's permit for wine, when shipping wine directly to a  
173 consumer in this state, shall be deemed to be a retailer engaged in  
174 business in this state as defined in chapter 219 and shall be required to  
175 be issued a seller's permit pursuant to chapter 219.

176 (2) For purposes of chapter 220, the holder of an out-of-state winery  
177 shipper's permit for wine, when shipping wine directly to a consumer  
178 in this state, shall be deemed to be a distributor as defined in chapter  
179 220 and shall be required to be licensed pursuant to chapter 220.

180 (f) Any person who applies for an out-of-state winery shipper's

181 permit for wine or for the renewal of such permit shall furnish an  
182 affidavit to the Department of Consumer Protection, in such form as  
183 may be prescribed by the department, affirming whether the out-of-  
184 state winery that is the subject of such permit produced more than one  
185 hundred thousand gallons of wine during the most recently completed  
186 calendar year.

187 (g) The annual fee for an out-of-state winery shipper's permit for  
188 wine shall be two hundred fifty dollars.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	30-16(e)
Sec. 2	<i>October 1, 2007</i>	30-18(b)
Sec. 3	<i>October 1, 2007</i>	30-18a(b)

**GL**            *Joint Favorable*