



General Assembly

February Session, 2010

Raised Bill No. 5139

LCO No. 682

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Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE SALE OF WINE WITH GIFT BASKETS.

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) A gift basket retailer
2 permit shall allow the retail sale of wine included in a gift basket sold
3 at retail by the permit holder. Such wine shall not be consumed on the
4 premises.

5 (b) The holder of a gift basket retailer permit may sell gift baskets,
6 which may include (1) wine, (2) food items, (3) nonalcoholic beverages,
7 (4) concentrates used in the preparation of mixed alcoholic beverages,
8 (5) wine-making kits and products related to wine-making kits, (6) ice
9 in any form, or (7) articles of clothing imprinted with advertising
10 related to the alcoholic liquor industry.

11 (c) The annual fee for a gift basket retailer permit shall be five
12 hundred dollars plus the sum required by section 30-66 of the general
13 statutes.

14 Sec. 2. (NEW) (*Effective October 1, 2010*) (a) A gift basket retailer
15 permit issued in accordance with section 1 of this act shall allow the

16 sale and delivery or shipment of wine directly to a consumer in this
17 state, subject to the provisions of section 1 of this act and of this
18 section, or to a consumer outside of this state, subject to all applicable
19 laws of the jurisdiction in which such consumer outside of this state is
20 located. Such permittee, when selling and shipping wine directly to a
21 consumer in this state, shall: (1) Ensure that the shipping labels on all
22 containers of wine shipped directly to a consumer in this state
23 conspicuously state the following: "CONTAINS ALCOHOL—
24 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
25 DELIVERY"; (2) obtain the signature of a person age twenty-one or
26 older at the address prior to delivery, after requiring the signer to
27 demonstrate that he or she is age twenty-one or older by providing a
28 valid motor vehicle operator's license or a valid identity card described
29 in section 1-1h of the general statutes; (3) not ship more than five
30 gallons of wine in any two-month period to any person in this state
31 and not ship any wine until such permittee is registered, with respect
32 to the permittee's sales of wine to consumers in this state, for purposes
33 of the taxes imposed under chapters 219 and 220 of the general
34 statutes, with the Department of Revenue Services; (4) pay, to the
35 Department of Revenue Services, all sales taxes and alcoholic beverage
36 taxes due under chapters 219 and 220 of the general statutes on sales of
37 wine to consumers in this state, and file, with said department, all sales
38 tax returns and alcoholic beverage tax returns relating to such sales,
39 with the amount of such taxes to be calculated as if each sale were
40 made in this state at the location where delivery is made; (5) report to
41 the Department of Consumer Protection a separate and complete
42 record of all sales and shipments to consumers in the state, on a ledger
43 sheet or similar form which readily presents a chronological account of
44 such permittee's dealings with each such consumer; (6) permit the
45 Department of Consumer Protection and Department of Revenue
46 Services, separately or jointly, to perform an audit of the permittee's
47 records upon request; (7) not ship to any address in the state where the
48 sale of alcoholic liquor is prohibited by local option pursuant to section
49 30-9 of the general statutes; (8) hold an in-state transporter's permit

50 pursuant to section 30-19f of the general statutes or make any such
51 shipment through the use of a person who holds such an in-state
52 transporter's permit; and (9) execute a written consent to the
53 jurisdiction of this state, its agencies and instrumentalities and the
54 courts of this state concerning the enforcement of this section and any
55 related laws, rules or regulations, including, but not limited to, tax
56 laws, rules or regulations.

57 (b) The Department of Consumer Protection, in consultation with
58 the Department of Revenue Services, may adopt regulations, in
59 accordance with the provisions of chapter 54 of the general statutes, to
60 assure compliance with the provisions of subsection (a) of this section.

61 (c) A holder of a gift basket retailer permit, when advertising or
62 offering wine for direct shipment to a consumer in this or another state
63 via the Internet or any other on-line computer network, shall clearly
64 and conspicuously state such liquor permit number in its advertising.

65 (d) For purposes of chapter 219 of the general statutes, the holder of
66 a gift basket retailer permit, when shipping wine directly to a
67 consumer in this state, shall be deemed to be a retailer engaged in
68 business in this state, as defined in chapter 219 of the general statutes,
69 and shall be required to be issued a seller's permit pursuant to chapter
70 219 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section

Statement of Purpose:

To establish a gift basket retailer permit to allow for the retail sale of wine with gift baskets, subject to certain restrictions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]