



General Assembly

**Substitute Bill No. 6267**

January Session, 2011

\* \_\_\_\_\_HB06267GL\_\_\_\_\_021511\_\_\_\_\_\*

**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, 2011*) (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. Such permit holder shall be located in this state and such  
5 wine shall only be purchased by such permit holder from the holder of  
6 a package store permit issued pursuant to section 30-20 of the general  
7 statutes.

8 (b) The holder of a gift basket retailer permit may sell gift baskets  
9 which may include (1) wine, (2) food items, (3) nonalcoholic beverages,  
10 (4) concentrates used in the preparation of mixed alcoholic beverages,  
11 (5) wine-making kits and products related to wine-making kits, (6) ice  
12 in any form, (7) articles of clothing imprinted with advertising related  
13 to the alcoholic liquor industry, or (8) flowers, plants and garden-  
14 related items. The sale of such gift baskets shall only take place during  
15 the times permitted for the sale of alcoholic liquor in places operating  
16 under package store permits pursuant to section 30-91 of the general  
17 statutes.

18 (c) The annual fee for a gift basket retailer permit shall be two  
19 hundred dollars plus the sum required by section 30-66 of the general  
20 statutes.

21       Sec. 2. (NEW) (*Effective October 1, 2011*) (a) A gift basket retailer  
22 permit issued in accordance with section 1 of this act shall allow the  
23 sale and delivery or shipment of wine directly to a consumer in this  
24 state, subject to the provisions of section 1 of this act and of this  
25 section, or to a consumer outside of this state, subject to all applicable  
26 laws of the jurisdiction in which such consumer outside of this state is  
27 located. Such permittee, when selling and shipping wine directly to a  
28 consumer in this state, shall: (1) Ensure that the shipping labels on all  
29 containers of wine shipped directly to a consumer in this state  
30 conspicuously state the following: "CONTAINS ALCOHOL—  
31 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR  
32 DELIVERY"; (2) obtain the signature of a person age twenty-one or  
33 older at the address prior to delivery, after requiring the signer to  
34 demonstrate that he or she is age twenty-one or older by providing a  
35 valid motor vehicle operator's license or a valid identity card described  
36 in section 1-1h of the general statutes; (3) not ship more than five  
37 gallons of wine in any two-month period to any person in this state  
38 and not ship any wine until such permittee is registered, with respect  
39 to the permittee's sales of wine to consumers in this state, for purposes  
40 of the taxes imposed under chapters 219 and 220 of the general  
41 statutes, with the Department of Revenue Services; (4) pay, to the  
42 Department of Revenue Services, all sales taxes and alcoholic beverage  
43 taxes due under chapters 219 and 220 of the general statutes on sales of  
44 wine to consumers in this state, and file, with said department, all sales  
45 tax returns and alcoholic beverage tax returns relating to such sales,  
46 with the amount of such taxes to be calculated as if each sale were  
47 made in this state at the location where delivery is made; (5) report to  
48 the Department of Consumer Protection a separate and complete  
49 record of all sales and shipments to consumers in the state, on a ledger  
50 sheet or similar form which readily presents a chronological account of  
51 such permittee's dealings with each such consumer; (6) permit the  
52 Department of Consumer Protection and Department of Revenue  
53 Services, separately or jointly, to perform an audit of the permittee's  
54 records upon request; (7) not ship to any address in the state where the  
55 sale of alcoholic liquor is prohibited by local option pursuant to section

56 30-9 of the general statutes; (8) hold an in-state transporter's permit  
57 pursuant to section 30-19f of the general statutes or make any such  
58 shipment through the use of a person who holds such an in-state  
59 transporter's permit; and (9) execute a written consent to the  
60 jurisdiction of this state, its agencies and instrumentalities and the  
61 courts of this state concerning the enforcement of this section and any  
62 related laws, rules or regulations, including, but not limited to, tax  
63 laws, rules or regulations.

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

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

72 (d) For purposes of chapter 219 of the general statutes, the holder of  
73 a gift basket retailer permit, when shipping wine directly to a  
74 consumer in this state, shall be deemed to be a retailer engaged in  
75 business in this state, as defined in chapter 219 of the general statutes,  
76 and shall be required to be issued a seller's permit pursuant to chapter  
77 219 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section

**GL**            *Joint Favorable Subst.*