



Substitute House Bill No. 6267

Public Act No. 11-250

AN ACT CONCERNING THE SALE OF WINE WITH GIFT BASKETS.

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

Section 1. (NEW) (*Effective October 1, 2011*) (a) A gift basket retailer permit shall allow the retail sale of wine included in a gift basket sold at retail by the permit holder. Such wine shall not be consumed on the premises. Such permit holder shall be located in this state and such wine shall only be purchased by such permit holder from the holder of a package store permit issued pursuant to section 30-20 of the general statutes or the holder of a manufacturer permit for a farm winery issued pursuant to subsection (e) of section 30-16 of the general statutes.

(b) The holder of a gift basket retailer permit may sell gift baskets which may include (1) a maximum of four bottles of wine per basket, (2) food items, (3) nonalcoholic beverages, (4) concentrates used in the preparation of mixed alcoholic beverages, (5) wine-making kits and products related to wine-making kits, (6) ice in any form, (7) articles of clothing imprinted with advertising related to the alcoholic liquor industry or the permittee's gift basket business, (8) flowers, plants and garden-related items, (9) drinking glasses, bottle opening devices and literature related to wine, or (10) gift certificates. The sale of such gift baskets shall only take place during the times permitted for the sale of

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alcoholic liquor in places operating under package store permits pursuant to section 30-91 of the general statutes. The holder of a gift basket retailer permit shall not sell such gift baskets on premises operating under any other permit issued pursuant to title 30 of the general statutes. Nothing in this section shall prohibit the holder of a package store permit issued pursuant to section 30-20 of the general statutes from selling any item permitted for sale by such permittee pursuant to said section.

(c) The annual fee for a gift basket retailer permit shall be two hundred dollars.

Sec. 2. (NEW) (*Effective October 1, 2011*) (a) A gift basket retailer permit issued in accordance with section 1 of this act shall allow the sale and delivery or shipment of gift baskets containing wine directly to a consumer in this state, subject to the provisions of section 1 of this act and of this section, or to a consumer outside of this state, subject to all applicable laws of the jurisdiction in which such consumer outside of this state is located. Such permittee, when selling and shipping gift baskets containing wine directly to a consumer in this state, shall: (1) Ensure that the shipping labels on all gift baskets containing 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 twenty-one or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h of the general statutes; (3) obtain a seller's permit pursuant to chapter 219 of the general statutes, and pay to the Department of Revenue Services all sales taxes as required under said chapter 219 on sales of gift baskets; (4) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state,

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on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (5) 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; and (6) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9 of the general statutes.

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

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

Approved July 13, 2011