



General Assembly

January Session, 2011

**Amendment**

LCO No. 6379

**\*HB0626706379HDO\***

Offered by:

REP. TABORSAK, 109<sup>th</sup> Dist.

SEN. DOYLE, 9<sup>th</sup> Dist.

SEN. WITKOS, 8<sup>th</sup> Dist.

REP. REBIMBAS, 70<sup>th</sup> Dist.

To: Subst. House Bill No. 6267

File No. 649

Cal. No. 35

**"AN ACT CONCERNING THE SALE OF WINE WITH GIFT BASKETS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

12 (b) The holder of a gift basket retailer permit may sell gift baskets

13 which may include (1) a maximum of four bottles of wine per basket,  
14 (2) food items, (3) nonalcoholic beverages, (4) concentrates used in the  
15 preparation of mixed alcoholic beverages, (5) wine-making kits and  
16 products related to wine-making kits, (6) ice in any form, (7) articles of  
17 clothing imprinted with advertising related to the alcoholic liquor  
18 industry or the permittee's gift basket business, (8) flowers, plants and  
19 garden-related items, (9) drinking glasses, bottle opening devices and  
20 literature related to wine, or (10) gift certificates. The sale of such gift  
21 baskets shall only take place during the times permitted for the sale of  
22 alcoholic liquor in places operating under package store permits  
23 pursuant to section 30-91 of the general statutes. The holder of a gift  
24 basket retailer permit shall not sell such gift baskets on premises  
25 operating under any other permit issued pursuant to title 30 of the  
26 general statutes. Nothing in this section shall prohibit the holder of a  
27 package store permit issued pursuant to section 30-20 of the general  
28 statutes from selling any item permitted for sale by such permittee  
29 pursuant to said section.

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

32 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) A gift basket retailer  
33 permit issued in accordance with section 1 of this act shall allow the  
34 sale and delivery or shipment of gift baskets containing wine directly  
35 to a consumer in this state, subject to the provisions of section 1 of this  
36 act and of this section, or to a consumer outside of this state, subject to  
37 all applicable laws of the jurisdiction in which such consumer outside  
38 of this state is located. Such permittee, when selling and shipping gift  
39 baskets containing wine directly to a consumer in this state, shall: (1)  
40 Ensure that the shipping labels on all gift baskets containing wine  
41 shipped directly to a consumer in this state conspicuously state the  
42 following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON  
43 AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the  
44 signature of a person age twenty-one or older at the address prior to  
45 delivery, after requiring the signer to demonstrate that he or she is age  
46 twenty-one or older by providing a valid motor vehicle operator's

47 license or a valid identity card described in section 1-1h of the general  
 48 statutes; (3) obtain a seller's permit pursuant to chapter 219 of the  
 49 general statutes, and pay to the Department of Revenue Services all  
 50 sales taxes as required under said chapter 219 on sales of gift baskets;  
 51 (4) report to the Department of Consumer Protection a separate and  
 52 complete record of all sales and shipments to consumers in the state,  
 53 on a ledger sheet or similar form which readily presents a  
 54 chronological account of such permittee's dealings with each such  
 55 consumer; (5) permit the Department of Consumer Protection and  
 56 Department of Revenue Services, separately or jointly, to perform an  
 57 audit of the permittee's records upon request; and (6) not ship to any  
 58 address in the state where the sale of alcoholic liquor is prohibited by  
 59 local option pursuant to section 30-9 of the general statutes.

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

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

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