



Spirits DtC Shipping Guide

This guide summarizes the direct-to-consumer shipping rules for distilleries in all 50 states and D.C. and also addresses the measures state governments have taken to ease delivery and shipping restrictions during the COVID-19 pandemic.¹

¹ The American Craft Spirits Association (ACSA) is working diligently to give our members and industry partners relevant, current updates on statutes and regulations impacting production, sale and distribution of spirits. With the declaration of the novel coronavirus (COVID-19) in early 2020, many states have issued temporary policy changes or longer-term modernization of alcohol beverage laws. State statutes, regulations created by the state alcohol regulatory authority, as well as any other relevant guidance provided by such authorities (such as advisories, opinions, bulletins, etc.) were reviewed in creation of this document. No city or county ordinances were reviewed. Distillers should be aware that even in states where direct shipping is permissible, always remember to avoid shipping to dry counties. Please consult with your state guild or alcohol beverage authority for the most up-to-date information. This content is intended for educational and informational purposes only.

ACSA's pro bono law firm of Malkin Law P.A. provided the core content found in this comprehensive overview of the spirits distribution after COVID-19. It was completed in August 2021 and will be updated regularly. If you have updates you would like to provide, please send to legislation@americancraftspirits.org or directly to the law firm at: ryan@malkin.law / malkin.law. Thank you.



DtC Quick Guide Comparison

Out-of-State Distilleries Can Ship Into State?				In-State Distilleries Can Ship Within State?		
State	Yes	No		State	Yes	No
AL		X		AL		X
AK	X			AK	X	
AZ	X			AZ	X	
AR		X		AR		X
CA		X*		CA		X*
CO		X		CO		X
CT		X*		CT		X
DE		X		DE		X
DC	X			DC	X	
FL		X		FL		X
GA		X		GA		X
HI		X*		HI		?*
ID		X		ID		X
IL		X*		IL		X*
IN		X		IN		X
IA		X*		IA		X*
KS		X		KS		X
KY	X			KY	X	
LA		X		LA		X
ME		X*		ME		X*
MD		X		MD		X
MA		X		MA		X
MI		X		MI		X



MN		X		MN		X
MS		X		MS		X
MO		X		MO		X
MT		X		MT		X
NE	X			NE	X	
NV		X*		NV		X
NH	X			NH		X*
NJ		X*		NJ		X*
NM		X		NM		X
NY		X*		NY		X*
NC		X		NC		X
ND	X			ND	X	
OH		X		OH		X
OK		X		OK		X
OR		X		OR	X	
PA		X*		PA		X
RI		X*		RI		X
SC		X		SC		X
SD		X		SD		X
TN		X		TN		X
TX		X		TX		X
UT		X		UT		X
VT		X		VT		X
VA		X		VA		X
WA		X*		WA	X	
WV		X*		WV		X*



WI		X		WI		X
WY		X		WY		X

Notes:

**CA: If passed and signed into law, Senate Bill 620 would allow licensed distilled spirits producers in states other than California and licensed distilled spirits manufacturers or craft distillers in California who obtain distilled spirits direct shipper permits to ship directly to consumers in California*

**CT: Consumers with appropriate permit may receive alcohol shipments*

**HI: Consumers with appropriate permit may receive alcohol shipments; If passed and signed into law, Senate Bill 65 would allow licensed distilled spirits manufacturers in Hawaii and in states other than Hawaii who obtain direct shipper permits to ship directly to consumers in Hawaii*

**IL: If passed and signed into law, Senate Bill 0532 would allow licensed distilled spirits producers in Illinois and in states other than Illinois who obtain distillery shippers' licenses to ship directly to consumers in Illinois*

**IA: If passed and signed into law, House File 639 would allow native distilled spirits manufacturers in Iowa and in states other than Iowa who obtain direct shipper permits to ship directly to consumers in Iowa and to consumers in states other than Iowa*

**ME: If passed and signed into law, Legislative Document 1358 would allow distilleries outside of Maine with current manufacturer licenses and distilleries licensed in Maine who obtain spirits direct shipper licenses to ship directly to consumers in Maine*

**NJ: (1) If passed and signed into law, Assembly Bill 3167 would allow a craft distillery licensees to ship no more than 9 liters of distilled spirits to a consumer in New Jersey; (2) If passed and signed into law, Senate Bill 3020 would allow craft distillery licensees in New Jersey or in states other than New Jersey to ship no more than 20 liters of distilled spirits to a consumer in New Jersey via common carrier*

**NV: Licensed individuals can import one gallon per month of spirits for personal use and the out-of-state supplier must pay excise tax*

**NH: If passed and signed into law, Senate Bill 125 would allow licensed liquor manufacturers who obtain direct to consumer shipping permits from the commission to ship directly to consumers in New Hampshire*

**NY: Consumer may import up to 90L of liquor per year for personal use without a license; If passed and signed into law, Assembly Bill 3275 would allow licensed liquor manufacturers in states other than New York and licensed distillers and farm distillers in New York to ship no more than thirty-six cases (no more than nine liters per case) of liquor to consumers in New York*

**PA: Consumer may place a special liquor order and distiller must ship to a PLCB-operated store*

**RI: Distiller can only ship to customer if order was personally placed by customer at distiller's premises*

**WA: If passed and signed into law, House Bill 1432 would allow licensed spirits manufacturers in states other than Washington to ship spirits to consumers in Washington*

**WV: Distilleries, mini-distilleries, or micro-distilleries licensed in West Virginia or a state other than West Virginia who obtain private direct shipper licenses to ship to a consumer in West Virginia, however the shipments must be made to a retail liquor outlet*



ALABAMA

Shipment Outbound – Yes, if permitted by purchaser's applicable laws (AL Code, Section 28-4-113).

Shipment Inbound – No (AL Code, Sections 28-4-110 & 111).

Shipment Intra-state – No, but licenses issued by the Alabama Alcoholic Beverage Control Board, in accordance with § 28-3A-23, authorize licensees to transport and deliver spirits to individuals in the state who are at least 21 years of age. Any entity licensed for off-premises consumption, restaurant licensee, or reputable organization that is registered to do business in Alabama may apply for and be issued a delivery service license. A delivery must be made in a vehicle that is owned or leased by the delivery service licensee or an employee or independent contractor of the licensee. A delivery service licensee may not deliver alcohol more than 75 miles from the licensed premise of the retail licensee where the delivery originated. The total amount of spirits delivered cannot exceed 9,000 milliliters per customer in any single 24-hour period.

Link: <http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2021RS/PrintFiles/SB126-enr.pdf>

COVID-19 Measures – Emergency rule 20-X-6-.19ER did not authorize direct shipment of alcohol to AL residents, but allowed licensees to sell off-premises via curbside pick-up or take-out. This measure was effective from December 14, 2020 to January 4, 2021.

Citation (shipment)

AL Code

Section 28-4-110 Carriage, delivery, etc., into state by common carrier, etc., of prohibited liquors and beverages generally.

It shall be unlawful for any common or other carrier or any other person, corporation or association or combination of persons to carry, bring or introduce into this state or to deliver to any person whomsoever in this state any of the prohibited liquors and beverages as defined by the laws of the State of Alabama in any quantity whatsoever, whether in original packages or otherwise and although brought from a point without the State of Alabama.

Link: <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/28-4-110.htm>

Section 28-4-111 Receipt or acceptance from common carrier, etc., of prohibited liquors or beverages generally.

No person shall receive or accept any prohibited liquors or beverages from a common carrier or other carrier, except alcohol in accordance with regulations and restrictions of the laws of Alabama and for the purposes prescribed by said laws and except wine for sacramental or religious purposes as permitted under law and then only if there is permanently pasted or attached to the container a copy of the prescription or affidavit upon authority of which it was prescribed or obtained.

Link: <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/28-4-111.htm>

Section 28-4-113 Acceptance for or shipment, transportation, delivery, etc., of prohibited liquors or beverages from point to point or along public streets or highways within state.

It shall be unlawful for any person, firm, corporation or association, whether a common carrier or not, to accept from another for shipment, transportation or delivery or to ship, transport or deliver for another said prohibited liquors or beverages or any of them when received at one point, place or locality in this state to be shipped or transported to or delivered to another person, firm or corporation at another point, place or locality in this state, or to convey or transport over or along any public street or highway any of such prohibited liquors for



another. The provisions of this section shall not apply to those transporting and delivering to the persons, firms or corporations authorized by law to receive said prohibited liquors or beverages or any of them. Any person violating any provision of this section shall be guilty of a misdemeanor.

Link: <http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/28-4-113.htm>

Citation (COVID-19)

ABC Board Administrative Code

20-X-6-.19ER. EMERGENCY CURBSIDE SALES AUTHORIZATION

This emergency rule involves the suspension of the requirement for all sales to occur inside of a building on the licensed premises. Authorization of delivery or direct shipment of alcohol to consumers would require a change in the state law and requires legislative action.

An Alabama licensee who holds a Restaurant and Retail Liquor license that allows the sale of alcoholic beverages for on-premises consumption only may now sell for off-premises consumption using curbside pick-up or take-out services with the following restrictions:

- b) The licensee may sell no more than one .375 liter (375 ml) bottle of spirits per customer.
 - (i) Spirits may be sold in any size bottle(s), provided that the total amount of the spirits sold does not exceed .375 liter (375 ml) per customer.

Link: <https://alabcboard.gov/sites/default/files/inline-files/ABC%2020-X-6-.19%20ER%20%28004%29.pdf>

ALASKA

Shipment outbound – No, a person must be present on the licensed premises to purchase spirits (AS Section 04.11.170(b)(1)).

Shipment inbound – Yes, as long as spirit is not shipped to a dry community. List of alcohol restrictions by community:

<https://www.commerce.alaska.gov/web/Portals/9/pub/ABC/DryDampCommunities/LocalOption10152020.pdf>

Shipment intrastate – Yes, via a written order and in accordance with the requirements set out in 3 AAC 304.645 and any local community rules where product is to be shipped.

COVID-19 Measures – The ABC Board waived fees to submit AB-29: Waiver of Operation Application. According to AS Sec. 4.11.330(d), an application renewal can be denied if the applicant did not operate the licensed premises for at least 240 hours during each of the preceding two calendar years (unless the board determines that the premises could not be operated because of construction through no fault of the application). The order was entered into July 16, 2020 and was effective for the remainder of 2020.

Link: <https://www.commerce.alaska.gov/web/Portals/9/pub/homePage/AdvisoryWaiver.pdf>

Citation (shipment)

Alaska ABC Board FAQs

Does Alaska regulate importation for personal use?

Alaska does not limit or tax alcoholic beverages brought into this state for personal use and not for resale. Out-of-state suppliers may ship alcoholic beverages to Alaska residents. Over 75 Alaska communities have, by local option, banned the importation or possession of alcoholic beverages. It may be a felony crime to ship



alcoholic beverages to those communities. A list of those communities can be found on the Alcohol Local Option page of this web site.

Can I have alcohol sent to me from out of state?

Yes, as long as it is for personal use, not for resale, you do not live in a local option (dry) community, and it is not sent through the United States Postal Service (USPS).

Link:

https://www.commerce.alaska.gov/web/amco/AlcoholicBeverageFAQs.aspx?TSPD_101_R0=0890181cafab2000ac0c31d4806ce2bb660e4e86abf102a7e23effb30cc34d40f01e357ba24c8ec808e0c44c64143000a527ed1731e7d3c72677f5ce857df8cf731c1d4e12d53c0dd230e6f67f35cb5eaec9abdbd816cbadd27e9304292bbeb8

Alaska Statutes

AS Sec. 04.11.170. Distillery license.

- (b) A distillery license authorizes the holder to sell alcoholic beverages in
- (1) quantities of not more than one gallon a day to a person who is present on the licensed premises for consumption off the premises.

AS Sec. 04.16.125. Alcoholic beverages transported by common carrier.

- (a) A person may not use a common carrier to transport alcoholic beverages into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) unless
- (1) the shipping container holding the alcoholic beverages is clearly labeled as containing alcoholic beverages with letters that contrast in color to the shipping container and that are at least two inches in height; and
 - (2) an itemized invoice showing the quantity and purchase value of distilled spirits, of wine, and of malt beverages is attached to the outside of the shipping container.
- (b) This section does not apply to
- (1) a person transporting not more than
 - (A) two liters of wine;
 - (B) one gallon of malt beverages; or
 - (C) one liter of distilled spirits; or
 - (2) the transportation of alcoholic beverages for use on premises allowed under AS 04.11.491(a)(2) — (3) or (b)(2) or for use under a permit allowed under AS 04.11.491(a)(2).

Link to Statutes:

<https://www.commerce.alaska.gov/web/Portals/9/pub/ABC/AlcoholStatutesRegulations/AS04.pdf>

Regulations for the Alaska Alcoholic Beverage Control Board

3 AAC 304.645. Written orders for alcoholic beverages; other transporting of alcoholic beverages; local governing body authority.

- (b) Alcoholic beverages may be sold in response to a written order only if the licensee has the original or a clear photocopy of one of the following documents that bears the purchaser's signature and that shows by date of birth or statement of age that the purchaser is at least 21 years of age:
- (1) valid government-issued photographic identification from any state;
 - (2) a foreign passport.
- (c) Alcoholic beverages may be sold in response to a written order only if the written order
- (1) is signed and dated by the purchaser;



- (2) describes in reasonable detail the type and quantity of alcoholic beverages being ordered;
- (3) refers by number to the purchaser's proof-of-age document required by (b) of this section;
- (4) bears a signature reasonably determined by the licensee to match that on the proof-of-age document;
- (5) states the physical residence address of the purchaser; the address must be sufficient for the licensee to determine whether the residence is within an area that has restricted the sale, importation, or possession of alcoholic beverages under AS 04.11.491; and
- (6) is entered into the written order database established under AS 04.06.095, if the alcoholic beverages are to be shipped to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2); an order that is subject to this paragraph may not be for an amount of alcoholic beverages that, when added to the amount already shipped in a calendar month to the purchaser, exceeds the amount authorized under AS 04.11.150(g) as indicated in the database.

(d) A written order

- (1) except as provided in (2) of this subsection, may be modified by the licensee within five working days after receipt of the written order if the modification is in accordance with an oral or written communication from the purchaser; if a modification is made, the licensee shall note on the original order the date of modification and the manner in which the modification was requested by the purchaser; alcoholic beverages shipped in response to a written order must be packaged and shipped within five working days after receipt of the written order by the licensee or the licensee's agent or employee;
- (2) that is required, under AS 04.11.150(g) or 3 AAC 304.640, to be entered into the written order database established under AS 04.06.095 may not be modified after it is entered into the database; in calculating whether alcoholic beverages may be shipped to a purchaser under AS 04.11.150(g), the licensee shall use the date that the order is entered into the database; if the amount ordered, when added to the amount already shipped in a calendar month to the purchaser, exceeds the amount authorized under AS 04.11.150(g) as indicated in the database, the licensee may hold the order for up to 72 hours and reenter it into the database for the next month as a new order; however, if the licensee cannot reenter the order as a new order within 72 hours after receipt, the licensee shall return the order to the purchaser unfilled; if they may be shipped to a purchaser under AS 04.11.150(g) and (e) of this section, alcoholic beverages shipped in response to the written order must be packaged and shipped within five working days after receipt of the written order by the licensee or the licensee's agent or employee.

(e) In response to a written order, a licensee

- (1) may not package or deliver alcoholic beverages, or enter a written order into the written order database established under AS 04.06.095, until full payment is received at the licensed premises;
- (2) may
 - (A) personally deliver the alcoholic beverages on the licensed premises to the purchaser or to an individual who may legally possess alcoholic beverages and who is specifically authorized in the written order to receive the purchase and deliver it to the purchaser; to verify the identity of the purchaser or the individual specifically authorized in the written order to receive the purchase, the licensee shall require the purchaser or that individual to present an original of one of the forms of identification listed in (b) of this section; or
 - (B) ship the alcoholic beverages by common or regulated carrier to the purchaser; if the order is to be shipped to a community that has specified a delivery site under AS 04.11.491(f), the order must be shipped to the purchaser at that delivery site address; and
- (3) must package an order that is delivered or shipped under this subsection in a shipping container that bears a non-removable label that identifies the licensee, shows the written order number assigned under (m) of this section, and contains the words "alcoholic beverages" in letters at least two inches high and drawn in lines one-quarter inch wide; additionally, one copy of the sales invoice must be enclosed in a non-removable, sealed envelope securely attached to the shipping container; invoices must be legibly hand written or typed, prepared by the licensee or licensee's agent or employee, and show the description,



quantity, unit price, extended price, and total value of the alcoholic beverages in the container; if the container is addressed to a delivery site in a municipality that imposes a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), or controls the quantity that may be imported under AS 04.21.010(a)(1), the invoice may be retained by a municipality.

(f) The community delivery site must be secure from unauthorized access, reasonably located for access by the public, clean and heated, and controlled by the local governing body to assure protection of orders for purchasers. The site must be open for pick-up by purchasers at least once a week, for three hours between 8 a.m. and 8 p.m. Alcoholic beverages may be claimed from the community delivery site only by the purchaser named on the container. The purchaser shall sign for the order on a form stating that the beverages are not for resale. The local governing body may impose reasonable storage and handling fees chargeable to the purchaser, and may label or mark alcoholic beverage containers processed through the community delivery site. Upon approval of a community delivery site, the board will notify package store licensees who have filed the notice required in AS 04.11.150(a) that written orders for shipment into the community may only be shipped to the community delivery site.

(g) Repealed 5/11/96.

(h) Repealed 5/11/96.

(i) Repealed 5/11/96.

(j) Repealed 9/11/98.

(k) Repealed 5/11/96.

(l) The board will, in its discretion, maintain a list of persons who, under AS 04.16.200, are convicted after 10/24/87 of a violation of AS 04.11.010, and will, in its discretion, provide this list to package store licensees. A licensee who receives the list may not sell alcoholic beverages by written order to a person whose name appears on it until the board gives written notice to the licensee that such sales are no longer prohibited.

(m) A licensee shall fasten together the documents pertaining to each written order, and shall keep them on file with the purchaser's proof-of-age document. The licensee shall retain the order documents for at least one year after delivery of the order. In addition, the licensee shall maintain a log of written orders in a manner that allows cross-reference to the documents for each order. The log must assign an order number to each written order, and must show for each order the purchaser's name, dates the order was received, modified, and shipped or delivered, and the address to which shipment was made.

Link to Regulations:

<http://www.akleg.gov/basis/aac.asp#3.304.645>

ARIZONA

Shipment Outbound – Yes, if permitted by the purchaser's state (A.R.S. § 4-205.10(C)(7)(e)).

Shipment Inbound – Yes, with an Out-of-state Craft Distillery License (Series 2D).

Shipment Intra-state – Yes, with an In-state Craft Distillery License (Series 18).

COVID-19 Measures – Since AZ allows for direct-to-consumer shipping, there was no need to create additional shipping permissions. AZ allowed licensees that were shut down to provide pick-up, delivery, or drive-thru options for sealed alcoholic beverages. The AZ Department of Liquor Licenses and Control ("DLLC") considered the sale of spirituous liquor by non-restaurant retailers with off-sale privileges under A.R.S. § 4-209(B) using pick-up, delivery, or drive-thru options as a delivery of alcohol under A.R.S. § 4-203(J) and not in violation of Executive Order 2020-09 which was issued on March 19, 2020 and was rescinded by Executive Order 2021-06. The legislature of Arizona passed H.B. 2773 that was signed into law on May 5, 2021. This legislation authorizes a holder of a retail license with off-sale privileges to deliver spirituous liquor to a person in Arizona.



Executive Order 2020-09 Guidance Link:

https://azliquor.gov/assets/documents/homepage_docs/Governors_EO%202020-9.pdf

Executive Order 2021-06 Link:

https://azgovernor.gov/sites/default/files/eo_2021-06.pdf

H.B. 2773 Link:

<https://www.azleg.gov/legtext/55leg/1r/laws/0375.pdf>

Citation (shipment)

Arizona Revised Statutes

A.R.S. § 4-205.10. Craft distiller license; issuance; regulatory provisions; fee.

C. A person may be licensed as a craft distiller to sell distilled spirits that are produced or manufactured by the person if in a calendar year the person produces or manufactures not more than twenty thousand gallons of distilled spirits and may make sales and deliveries of distilled spirits only as specified in this section and subject to the following criteria:

7. A licensed craft distiller may make sales and deliveries of distilled spirits that the licensed craft distiller manufactures or produces to consumers off of the licensed premises if the sale or delivery is ordered by telephone, mail, fax, catalogue, the internet or by other means if all of the following conditions exist:

- (a) The purchaser of the distilled spirits provided the licensed craft distiller with verification of the purchaser's legal age to purchase alcohol and a copy of same is maintained in the records of the craft distiller.
- (b) The shipping container in which the distilled spirits are shipped is marked to require the signature on delivery of an adult who is of legal age to purchase alcohol and delivery confirmation.
- (c) The distilled spirits are for personal use only and not for resale.
- (d) The distilled spirits are shipped to a residential or business address other than a premises licensed pursuant to this title.
- (e) The purchaser could have carried the distilled spirits lawfully into or within this state.
- (f) A person who is at least twenty-one years of age makes the delivery.
- (g) The craft distiller collects payment for the price of the spirituous liquor no later than at the time of delivery.

A.R.S. § 4-250.01. Out-of-state person engaged in business as producer, exporter, importer or rectifier; violation; cease and desist order; civil penalty

A. An out-of-state person engaged in business in this state as a producer, exporter, importer, rectifier, retailer or wholesaler without a license issued under this title shall comply with this title as if licensed by this state.

Link to Arizona Liquor Laws and Shipping Guide:

https://azliquor.gov/assets/documents/Title%204%20Law%20Book/2020_Title4Book.pdf

https://www.azliquor.gov/faq/internet_sales.cfm

Arizona Liquor License Application Kits:

Out-of-state Craft Distiller Application Kit (Series 02D)

An Out-of-state Craft Distillery produces not more than 20,000 gallons of distilled spirits annually.

This license has on- and off-sale retail privileges. The licensee may serve spirits produced on the premises for consumption on the premises, sampling, and in the original, sealed container for sales "to-go". The licensee may sell and deliver to consumers who order by telephone, mail, fax, catalogue or internet per A.R.S. §4-205.10(7).

Link: <https://www.azliquor.gov/series02D.cfm>

Current as of July 2021



In-state Craft Distillery Application Kit (Series 18)

An In-state Craft Distillery is located in Arizona and produces not more than 20,000 gallons of distilled spirits annually.

This license has on- and off-sale retail privileges. The licensee may serve spirits produced on the premises for consumption on the premises, sampling, and in the original, sealed container for sales “to-go”. The licensee may sell and deliver to consumers who order by telephone, mail, fax, catalogue or internet per A.R.S. §4-205.10(7).

Link: <https://www.azliquor.gov/series18.cfm>

ARKANSAS

Shipment Outbound – Yes, AR does not regulate outbound shipments to consumers (ABC staff attorney, Michael Lewis).

Shipment Inbound – No, not allowed for distilleries (A.C.A. § 3-3-205).

Shipment Intra-state – No, not allowed for distilleries (AR ABC Reg., Section 2.45).

COVID-19 Measures – Distilleries consistent with their existing licenses are allowed to sell their own products for off premises consumption and offer delivery of their products to patrons. Deliveries must be carried out by an employee of the licensee. The use of third-party delivery services is prohibited. This measure went into effect on 3/19/2020 and will remain in place until the emergency ends. The legislature of Arkansas passed H.B. 1763 that was signed into law on April 14, 2021. This legislation authorizes “out-of-state direct to consumer shipment.”

Emergency Rule Changes Regarding the Sale of Alcoholic Beverages Link:

<https://www.dfa.arkansas.gov/news/details/emergency-rule-changes-regarding-the-sale-of-alcoholic-beverages>

<https://www.dfa.arkansas.gov/news/details/abc-rule-changes-extended-new-change-to-inactive-permits>

H.B. 1763 Link:

<https://www.arkleg.state.ar.us/Acts/FTPDocument?path=%2FACTS%2F2021R%2FPublic%2F&file=706.pdf&ddBienniumSession=2021%2F2021R>

Citation (shipment)

Arkansas Code

3-3-205. Sale or possession without license.

(a)(1) Any person who shall sell, barter, exchange, or give any intoxicating alcoholic liquor without having a valid license as provided by this act, in addition to losing his or her license, shall be guilty of a Class A misdemeanor.

Link: [A.C.A. § 3-3-205](#)

Arkansas ABC Regulations

Section 2.45 Prohibited Conduct and Activities; Grounds for Suspension or Revocation of Transportation Permit.

Any transportation permit issued [which may be issued to contract carriers, private carriers, or licensed manufacturers] pursuant to this Subtitle may be suspended or revoked for any of the following reasons:

(1) Manufacturer Making Delivery to Retailer or Consumer.

Current as of July 2021



That a manufacturer delivered controlled beverages directly to a person holding a permit to sell controlled beverages at retail or to a consumer;

Link:

<https://www.dfa.arkansas.gov/alcoholic-beverage-control/abc-rules-and-regulations/title-2-subtitle-g-transportation-and-storage-of-controlled-beverage>

CALIFORNIA

Shipment outbound – California’s law is silent on outbound shipments. Although the rules of construction do not state that any action not expressly authorized is prohibited, the rules of construction are drafted broadly so that any provision may be interpreted to help achieve the safety, welfare, health, peace, and morals of Californians (CA BPC § 23001).

Shipment inbound – No (CA BPC § 23661).²

Shipment intrastate – No, a licensed craft distiller may sell only up to the equivalent of 2.25 liters in any combination of prepackaged containers per day per consumer of distilled spirits manufactured or produced by the licensee at its premises to a consumer (CA BPC § 23504).³

COVID Measures – Normally, Type 74 (craft distiller) licensees may not deliver alcoholic beverages to consumers away from the licensed premises, but enforcement of the delivery provision is temporarily suspended. During the pandemic, payments for products can also be made at the time of delivery. Licensees must still, however, comply with the 2.25 liter per consumer per day limit. It is up to the delivery company as to whether they will deliver alcohol. The licensee is ultimately responsible for ensuring that the delivery person does not deliver to a minor. The provision allowing alcoholic beverage deliveries to consumers will temporarily remain in place until December 31, 2021.

First Notice of Regulatory Relief Link:

<https://www.abc.ca.gov/notice-of-regulatory-relief/>

Modification of COVID-19 Relief Regarding On-Premises Meal Requirements Link:

<https://www.abc.ca.gov/modification-of-covid-19-relief-regarding-on-premises-meal-requirements/>

Eighth Notice of Regulatory Relief Link:

<https://www.abc.ca.gov/eighth-notice-of-regulatory-relief/>

Citation (shipment)

Cal. Business & Professions Code

§ 23001. Purposes of division; Construction

² S.B. 620 is pending in California that would authorize a licensed distilled spirits producer in any other state who obtains a distilled spirits direct shipper permit to sell and ship distilled spirits directly to a resident of California who is at least 21 years of age for the resident’s personal use. The bill was introduced on February 18, 2021 and is in committee.

Link: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB620

³ S.B. 620 is pending in California that would authorize a licensed distilled spirits manufacturer or craft distiller who obtains a distilled spirits direct shipper permit to sell and ship distilled spirits directly to a resident of California who is at least 21 years of age for the resident’s personal use. The bill was introduced on February 18, 2021 and is in committee.

Link: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB620



This division is an exercise of the police powers of the State for the protection of the safety, welfare, health, peace, and morals of the people of the State, to eliminate the evils of unlicensed and unlawful manufacture, selling, and disposing of alcoholic beverages, and to promote temperance in the use and consumption of alcoholic beverages. It is hereby declared that the subject matter of this division involves in the highest degree the economic, social, and moral well-being and the safety of the State and of all its people. All provisions of this division shall be liberally construed for the accomplishment of these purposes.

§ 23504. Sale of distilled spirits during instructional tastings.

Notwithstanding any other provision, a licensed craft distiller may sell up to the equivalent of 2.25 liters in any combination of prepackaged containers per day per consumer of distilled spirits manufactured or produced by the licensee at its premises to a consumer.

§ 23661. Who may import; Application of chapter and section; Shipment by member of armed forces. (a) Except as otherwise provided in this section, alcoholic beverages shall be brought into this state from without this state for delivery or use within the state only by common carriers and only when the alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of the licensed importer or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division.

(f) A manufacturer of distilled spirits shall transport such distilled spirits into this state in motor vehicles owned by or leased to the manufacturer, and operated by employees of the manufacturer, only if all of the following apply:

- (1) The distilled spirits are transported into this state from a place of manufacture within the United States.
- (2) The manufacturer holds a California distilled spirits manufacturer's license.
- (3) Delivery is made to the licensed premises of such distilled spirits manufacturer.

Link to CA ABC Act: https://www.abc.ca.gov/wp-content/uploads/2020_CA_ABC_Act.pdf

COLORADO

Shipment Outbound – Yes, if the outbound state allows it (C.R.S. 44-3-402(1)(d)). Please note that the word “sell” also includes “to deliver for value” (C.R.S. 44-3-103(52)).

Shipment Inbound – No, manufacturers can only sell to the appropriate CO licensees (C.R.S. 44-3-402(1)(c)).

Shipment Intra-state – No, distillery pub licensees may only sell to consumers at their premises for on or off-premises consumption ((C.R.S. 44-3-426(3)).

COVID-19 Measures – Under COVID measures, distilleries with sales rooms can deliver products using employees only and all alcoholic beverages must contain a specific warning label. Third-party delivery services are prohibited (Reg 47-1101; LED Bulletin 20-04; LED Bulletin 20-19). Initially distilleries were not allowed to deliver, but Executive Order D 2020 029, signed on April 6, 2020, expanded delivery rights to distilleries with an approved sales room. Colorado businesses are encouraged to accept the Colorado Digital ID as proof of a person's age. Delivery and take-out privileges remain in effect and the specific rules depend on status of the locality where the distillery is located (LED Bulletin 20-19). The legislature of Colorado passed H.B. 1027 that was signed into law on June 22, 2021. The legislation authorizes a licensee to sell and deliver an alcoholic beverage to a consumer for consumption off the licensed premises between the hours of 7 a.m. and 12 a.m. A licensee may not sell or deliver more than one liter of spirituous liquors per delivery unless the governor has declared a disaster emergency. A distillery pub license holder is authorized to deliver an alcoholic beverage to a consumer for consumption off the licensed premises through January 1, 2025 and a manufacturer's license holder who operates a sales room is authorized to deliver an alcoholic beverage to a consumer for consumption off the licensed premises through January 2, 2022.

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Link: https://leg.colorado.gov/sites/default/files/documents/2021A/bills/2021a_1027_enr.pdf

Citation (shipment)

Colorado Revised Statutes

C.R.S. 44-3-103. Definitions.

(52) "Sell" or "sale" means any of the following: To exchange, barter, or traffic in; to solicit or receive an order for except through a licensee licensed under this article 3 or article 4 or 5 of this title 44; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle or to possess with intent to sell; to possess or transport in contravention of this article 3; to traffic in for any consideration promised or obtained, directly or indirectly.

C.R.S. 44-3-402. Manufacturer's license.

(1) A manufacturer's license shall be issued by the state licensing authority to persons distilling, rectifying, or brewing within this state for the following purposes only:

- (a) To produce, manufacture, or rectify malt, vinous, or spirituous liquors;
- (b) To sell malt or vinous liquors of their own manufacture within this state. Brewers or winers licensed under this section may solicit business directly from licensed retail persons or consumers by procuring a wholesaler's license as provided in this article 3; except that any malt liquor sold at wholesale by a brewer that has procured a wholesaler's license shall be unloaded and placed in the physical possession of a licensed wholesaler at the wholesaler's licensed premises in this state and inventoried for purposes of tax collection prior to delivery to a retailer or consumer. Wholesalers of malt liquors receiving products to be held as required by this subsection (1)(b) shall be liable for the payment of any tax due on such products under section 44-3-503 (1)(a).
- (c) To sell vinous or spirituous liquors of their own manufacture within the state to persons licensed by this article 3 without procuring a wholesaler's license;
- (d) To sell malt, vinous, or spirituous liquors in other states, the laws of which permit the sale of alcohol beverages;
- (e) To sell for export to foreign countries, if such export for beverage or medicinal purposes is permitted by the laws of the United States; but Colorado distillers, rectifiers, winers, and brewers licensed under this section may sell their products distilled, rectified, or brewed in this state directly to licensed retail licensees by procuring a wholesaler's license.

C.R.S. 44-3-426. Distillery pub license.

(3) During the hours established in section 44-3-901 (6)(b), a licensed distillery pub may, with regard to spirituous liquors fermented and distilled by the distillery pub licensee on the licensed premises:

- (a) Furnish its spirituous liquors for consumption on the premises;
- (b) Sell its spirituous liquors to independent wholesalers for distribution to licensed retailers;
- (c) Sell its spirituous liquors to the public in sealed containers for off-premises consumption, as long as the spirituous liquors are fermented, distilled, and packaged on the licensed premises by the licensee; or
- (d) Sell its spirituous liquors at wholesale to licensed retailers in an amount up to two thousand seven hundred liters per spirituous liquor product per calendar year.

Link to statutes: <https://leg.colorado.gov/sites/default/files/images/olls/crs2020-title-44.pdf>

Citation (COVID-19)

REGULATION 47-1101. DELIVERY AND TAKEOUT SALES AUTHORIZED UNDER EXECUTIVE ORDER(S)

A. Any licensee authorized to engage in sale of alcohol beverages through delivery or takeout pursuant to Executive Order D 2020-011, or any subsequent executive order extending, amending, expanding, or limiting the

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suspension of statutory license limitations related to sales of alcohol beverages through delivery or takeout, shall comply with the following requirements and limitations, to the extent consistent with any such executive order(s):

1. Orders for delivery or takeout that include alcohol beverages may be accepted by only the licensee or its employees, which may be accepted by telephone, in person, or via internet communication. All orders for delivery shall be documented in a written order prepared by the licensee or its employees.
3. Delivery of orders that include alcohol beverages shall be made only to a person twenty-one (21) years of age or older at the address specified in the order.
4. Delivery must be made by the licensee or the licensee's employee who is at least twenty-one (21) years of age. Use of third party delivery services is prohibited.

Link:

<https://www.sos.state.co.us/CCR/Upload/AGORequestEmergency/EmergencyJustificationPathAttach2020-00524.pdf>

Colorado Liquor Enforcement Division Notice Guidance Regarding LED Response to COVID-19 BULLETIN 20-03

APRIL 1, 2020

Sealed Containers and Mixed Drinks

While Executive Order D 2020 011 is in effect, certain licensed retailers who are normally limited to selling alcohol beverages for on-premises consumption may sell sealed alcohol beverages to consumers for off-premises consumption via takeout or delivery, as long as food, such as meals and/or sandwiches and/or light snacks, is included with alcohol beverage orders. Both food and alcohol beverages sold for takeout or delivery must be reflected on the same receipt or transaction. Executive Order D 2020 011 applies to the following types of retail licensees:

- Hotel and Restaurant to include Resort Complex and Related Facilities. Hotel licensees may continue to sell food and beverages to hotel guests via room service, mini-bar, and takeout within the premises.
- Brew Pub
- Distillery Pub
- Vintner's Restaurant
- Fermented Malt Beverage (FMB) On-Premises
- Tavern
- Beer and Wine
- Lodging and Entertainment
- Club licensees can only sell only to club members.

Pursuant to emergency Regulation 47-1001, 1 CCR 203-2, alcohol beverages sold through delivery or takeout must be in a sealed container as defined in Section 44-3-103(51), C.R.S., or in a cup or other container closed securely with a lid taped securely to the cup or other container. Plastic lids are acceptable as long as any holes in the lid are covered with tape, and no straw is inserted through the lid and contents of the cup are not removed once sealed until the beverage is delivered to a person who is at least 21 years of age in their residence. Purchasers and persons delivering alcohol are subject to state and local laws prohibiting drinking or possessing open containers of alcohol beverages in public and in motor vehicles. In addition, all cups or other containers shall be affixed with a label containing a warning statement, with a minimum fourteen (14) font size, stating as follows: "WARNING DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT. Purchasers are subject to state and local laws prohibiting drinking or possessing open containers of alcoholic beverages in motor vehicles, including section 42-4-1305, C.R.S."

All licensees are subject to the following:



- All liquor licensees' shall follow the emergency Regulation 47-1001, 1 CCR 203-2, Delivery and Takeout Sales Authorized Under Executive Order(s).
- All licensees shall follow the CDPHE Public Health Order's social distancing requirements.
- Patrons must not be permitted to congregate in groups at liquor licensed establishments during pick-up. Employees and patrons are required to maintain six feet of separation to the greatest extent possible while at a liquor licensed establishment.
- Businesses shall only sell alcohol to individuals who are at least 21 years of age and shall verify age at the time of delivery or when picking up a takeout order.
- All deliveries that include alcohol beverages must be made by an employee of the licensee business. Deliveries of food only may be completed by a third-party service.

Ordering Guidance

All the above-listed license types may receive orders online, in person, telephonically, or through a third-party vendor.

- Licensees may only sell to individuals who are at least 21 years of age (the individual placing the order must provide their name, date of birth, and delivery address). The employee making the delivery must verify the information provided in the order upon delivery;
- Deliveries may only be made to the address provided at the time of the Order. Persons making the deliveries must be at least the age of 21 and an employee of the licensee. Persons delivering must verify the age of the individual receiving the alcohol beverage(s).
- Licensees must also retain all records regarding the ordering and delivery of alcohol beverages pursuant to section 44-3- 701, C.R.S.
- See emergency Regulation 47-1101, 1 CCR 203-2, for additional information and requirements.

Link:

<https://sbg.colorado.gov/sites/sbg/files/documents/LED%20Bulletin%2020-03%20Guidance%20Regarding%20LED%20Response%20to%20COVID-19.pdf>

Emergency Warning Label for Delivery or Take Out

Please see the attached Emergency Warning Label for Delivery or Take Out. The warning label will need to be attached to all Take Out Items of Alcohol Beverages.

Link for warning label:

<https://multimedia.getresponse.com/getresponse-BNcmV/documents/926f1d3d-7172-4a21-a0b6-686827c97fbf.pdf>

BULLETIN 20-04

DATE: April 8, 2020

The Liquor Enforcement Division (LED) is releasing this bulletin to update the guidance provided to stakeholders in LED Bulletin 20-03, which discussed issues related to the presence of COVID-19 in Colorado, including the impact of Executive Order D 2020 011 - Ordering the Temporary Suspension of Certain Regulatory Statutes Due to the Presence of COVID-19, and the provisions of emergency Regulation 47-1101 – Delivery and Takeout Sales Authorized Under Executive Order(s). Executive Order D 2020 011 temporarily suspended the enforcement of certain statutory limitations to allow retailers normally licensed for on-premises consumption to sell alcohol beverages to consumers for off-premises consumption via takeout or delivery. Executive Order D 2020 011 also temporarily suspended the enforcement of certain statutory limitations to allow manufacturer breweries with an approved sales room to sell malt beverages directly to consumers via delivery. As noted in LED Bulletin 20-03, Executive Order D 2020 011 did not permit manufacturer distilleries and wineries to deliver alcohol beverages to consumers.

On April 6, 2020, Governor Jared Polis signed Executive Order D 2020 029 - Amending and Extending Executive Order D 2020 011. Executive Order D 2020 029 expands the scope of the temporary suspension of statutory

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limitations to include wineries and distilleries with an approved sales room. While Executive Order D 2020 029 is in effect, these licensees may sell for delivery or take out the types of alcohol beverages they are currently licensed to sell in their licensed premises, including mixed drinks, subject to regulations approved by the State Licensing Authority.

Any licensees—including wineries and distilleries with an approved sales room—that choose to sell alcohol beverages via takeout or delivery pursuant to Executive Orders D 2020 011 and D 2020 029’s temporary suspension of statutory limitations are subject to the requirements in emergency Regulation 47-1101, 1 CCR 203-2. Pursuant to Regulation 47-1101(A), the regulation’s requirements apply to “[a]ny licensee authorized to engage in sale of alcohol beverages through delivery or takeout pursuant to executive order D 2020-011, or any subsequent executive order extending, amending, expanding, or limiting the suspension of statutory license limitations related to sales of alcohol beverages through delivery or takeout.” (emphasis added).

Wineries and distilleries operating an approved sales room MAY continue to sell alcohol beverages to consumers for off-premises consumption via takeout. Under Executive Order 2020 029 and subject to Regulation 47-1101, wineries and distilleries operating an approved sales room MAY also sell alcohol beverages to consumers for off-premises consumption via delivery. Alcohol beverages sold to consumers through takeout or delivery may include mixed drinks. While Executive Order 2020 029 is in effect, distilleries MAY also sell alcohol beverages to consumers through delivery using the licensees’ vehicles or their own employees’ vehicles to make these deliveries. Delivery of alcohol beverages may only be done by an actual employee of the licensee, NOT a third-party service.

Link:

<https://www.ci.craig.co.us/Document%20Center/Department/City%20Clerk/BULLETIN%2020%204.8.2020.pdf>

BULLETIN 20-19

REFERENCE: Guidance on Executive Order D 2020-199

On Sunday, September 20, Governor Jared Polis issued Executive Order D 2020-199, which amends the “last call” provisions depending on where any given locality falls within the three (3) public health “levels” regarding the COVID-19 pandemic.

Under Executive Order D 2020-199, the Colorado Department of Health and Environment (CDPHE) may determine, by issuing a Public Health Order (PHO), when on-premises alcohol beverage sales to end consumers must cease based on what COVID-19 classification status individual counties have achieved.

Localities that have obtained “Protect Our Neighbors” status may continue on-premises sales (as well as takeout and delivery privileges granted to any particular licensee) until 2:00 a.m.

A few points to consider:

- Sales Rooms (wine, spirits, and beer) are included in the order;
- Delivery sales, may continue until 2:00 a.m. for licensees who have such abilities, regardless of level status, or whether or not on-premises sales are allowed during any particular time frame;
- Takeout sales for localities under “Safer at Home” orders must cease by 11:00 p.m., regardless of whether or not on premises sales are allowed during any particular time frame; but such sales may continue until 2:00 a.m. for localities that have obtained “Protect our Neighbors” status.

Link: <https://www.colorado.gov/pacific/sites/default/files/Bulletin%2020-19%20FINAL%209.20.20.pdf>

CONNECTICUT

Shipment Outbound – Yes, as permitted by outbound state’s law (Conn. Gen. Stat. § 30-16(a)).

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Shipment Inbound – No, however, a consumer may obtain a permit to import up to 5 gallons of alcohol for personal consumption in a 60-day period (Conn. Gen. Stat. § 12-436(b)(2)(A); (B)(i)).

Shipment Intra-state – No, but a holder of a manufacturer permit for spirits who produces less than 50,000 gallons of spirits in a year may sell to customers on their premises for off-premises consumption (Conn. Gen. Stat. § 30-16(a)).⁴

COVID-19 Measures – The state has released various COVID-19 relief measures, but none relating to manufacturers and shipment of alcohol. The relief measures concern the serving of alcohol at food establishments and avoiding consumption of alcohol in bars. These measures remained in effect through May 20, 2021.

Citation (shipment)

Conn. Gen. Stat. § 12-436. Distributor's license. Importation of alcoholic beverages. Invoices. Shipment into military reservation.

(b) (1) No person, except a licensed distributor and railroad or airline companies so far as they conduct such beverage business in cars or passenger trains or airplanes, shall sell any alcoholic beverages in this state or possess beverages with intent to sell, unless such beverages have previously been subject to the tax imposed by this chapter.

(2) (A) Except as otherwise provided in this subdivision and sections 30-18 and 30-18a, no person shall ship, transport or import alcoholic beverages into this state unless such alcoholic beverages are delivered to a licensed distributor or to an internal revenue or United States customs bonded warehouse under regulations prescribed by the Commissioner of Revenue Services, or are transported in bonded trucks to vessels in Connecticut ports for export.

(B) (i) Any individual may import alcoholic beverages purchased by such individual within the territorial limits of the United States to an amount not to exceed five gallons in any sixty-day period for such individual's own consumption, (ii) any individual may import alcoholic beverages, whether or not purchased by such individual, from outside the territorial limits of the United States to an amount not to exceed five gallons in any three-hundred-sixty-five-day period for such individual's own consumption, and (iii) any individual who has resided outside the United States for a period of six months or more may, on one occasion and in conjunction with the return of such individual's personal and household goods and effects upon the termination of such foreign residency, import wine to an amount not to exceed one hundred gallons, of which not more than twenty gallons shall be of the same brand and spirits not to exceed ten gallons of which not more than two gallons shall be of the same brand, after making application in each such case to the Department of Revenue Services and presenting with the application a tax return prescribed by the Commissioner of Revenue Services and reporting the taxes under this chapter and under chapter 219 for which the applicant is liable. Payment of such taxes shall accompany such application and tax return. A copy of the importation certificate issued by the Department of Revenue Services shall accompany each such shipment.

Link: https://www.cga.ct.gov/current/pub/chap_220.htm#sec_12-436

⁴ H.B. 6100, signed and enacted into law on June 7, 2021, does not permit direct-to-consumer shipping, but the legislation allows a holder of a manufacturer permit to deliver alcoholic liquor manufactured by such permittee through June 4, 2024. A delivery must be made by a direct employee of the permittee and not by a third-party vendor or entity unless the third-party vendor or entity holds an in-state transporter's permit.

Link: <https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00037-R00HB-06100-PA.PDF>

Current as of July 2021



Conn. Gen. Stat. § 30-16. Manufacturer permit for spirits. Manufacturer permit for beer. Manufacturer permit for a farm winery. Manufacturer permit for wine, cider and mead.

(a) A manufacturer permit for spirits shall allow the manufacture of spirits and the storage, bottling and wholesale distribution and sale of spirits manufactured or bottled to permittees in this state and without the state as may be permitted by law; but no such permit shall be granted unless the place or the plan of the place of manufacture has received the approval of the Department of Consumer Protection. The holder of a manufacturer permit for spirits who produces less than fifty thousand gallons of spirits in a calendar year may sell at retail from the premises sealed bottles or other sealed containers of spirits manufactured on the premises for consumption off the premises, provided such holder shall not sell to any one consumer more than three liters of spirits per day nor more than five gallons of spirits in any two-month period. Retail sales by a holder of a manufacturer permit for spirits shall occur only on the days and times permitted under subsection (d) of section 30-91. A holder of a manufacturer permit for spirits, alone or in combination with any parent or subsidiary business or related or affiliated party, who sells more than ten thousand gallons of spirits in any calendar year may not sell spirits at wholesale to retail permittees within this state. Such permit shall also authorize the offering and tasting, on the premises of the permittee, of free samples of spirits distilled on the premises. Such free samples of spirits distilled on the premises may be offered for consumption in combination with a nonalcoholic beverage. Tastings shall not exceed two ounces per patron per day and shall not be allowed on such premises on Sunday before eleven o'clock a.m. and after eight o'clock p.m. and on any other day before ten o'clock a.m. and after eight o'clock p.m. No tastings shall be offered to or allowed to be consumed by any minor or intoxicated person. A holder of a manufacturer permit for spirits may apply for and shall receive an out-of-state shipper's permit for manufacturing plants and warehouse locations outside the state owned by such manufacturer or a subsidiary corporation thereof, at least eighty-five per cent of the voting stock of which is owned by such manufacturer, to bring into any of its plants or warehouses in the state spirits for reprocessing, repackaging, reshipment or sale either (1) within the state to wholesaler permittees not owned or controlled by such manufacturer, or (2) outside the state. The annual fee for a manufacturer permit for spirits shall be one thousand eight hundred fifty dollars.

Link: https://www.cga.ct.gov/current/pub/chap_545.htm#sec_30-16

DELAWARE

Shipment Outbound – Yes, if the sale and shipment is allowed by the applicable state and local laws (4 Del. C. § 104; § 512E).

Shipment Inbound – No, direct shipper license only available for beer and wine. Furthermore, direct shippers must deliver the wine and beer by common carrier to a Delaware wholesaler, who will in turn deliver the shipment to a DE off-premises retail license, who may then deliver to a resident (4 Del. C. § 526; § 701).

Shipment Intra-state – No, in-state craft distillers can only sell spirits on the premises by the bottle or by the glass for consumption on or off the premises. Off-premises sales must be limited to a maximum of 1 case (i.e., not more than 12-750 ml bottles) per day to each retail customer for consumption off the premises (4 Del. C. § 512E).

COVID-19 Measures – During the state of emergency, entities with a license to sell off-premise (including craft distilleries) can take a customer's order either by phone or email and can then bring a product to a customer's vehicle in the immediate parking lot or curb. Delaware's state of emergency was terminated on July 13, 2021.

Commissioner Guidelines Link: <https://date.delaware.gov/OABCC/OABC%20Commissioner%20Guidelines.pdf>



Termination of State of Emergency Link:

<https://governor.delaware.gov/wp-content/uploads/sites/24/2021/07/Termination-State-of-Emergency-07122021.pdf>

Citation (shipment)

Delaware Code

4 Del. C. § 104 Sale or shipment out of State.

(a) No sale of alcoholic liquor shall be made to a person in a state or a division of a state where such sale is prohibited by law.

(b) No shipment of alcoholic liquor shall be made into a state or into a division of a state where such shipment is prohibited by law.

Link: <https://delcode.delaware.gov/title4/c001/index.html#104>.

4 Del. C. § 512E Craft distillery.

(c) Notwithstanding any provision of this title to the contrary, a craft distillery license shall allow the licensee:

(3) To sell, deliver, and ship such spirits in labeled barrels, bottles or other closed containers to persons licensed under the provisions of this title to import spirits; and to sell and ship spirits to persons outside of the State in accordance with this title;

(4) To store and sell spirits on the premises by the bottle or by the glass for consumption on or off the premises where sold; and to purchase alcoholic beverages from licensed Delaware importers or retailers to add to product manufactured by the craft distillery to sell to patrons for on premises consumption only. The amount of spirits sold for off-premises consumption shall be limited to a maximum of 1 case (i.e., not more than 12-750 ml bottles) per day to each retail customer for consumption off the premises...

Link: <https://delcode.delaware.gov/title4/c005/sc02/index.shtml>

4 Del. C. § 526 Direct purchasing of wine and beer.

(a) Notwithstanding any other provision in this title, a natural person who is a Delaware resident may purchase sparkling wine, still wine and beer that is not readily available to consumers throughout the State directly from a manufacturer or retailer of such beverages domiciled outside of Delaware...

(e) Under no circumstance may the wine or beer be shipped directly to the resident. Direct shippers must deliver the wine and beer by common carrier to a Delaware wholesaler, who will in turn deliver the shipment to a holder of a Delaware off-premises retail license. The retail licensee must then deliver the wine or beer to the resident in a manner consistent with this title and as set forth by Commissioner rules. The direct shipper shall pay a handling fee in the amount of \$4 dollars per case or partial case of wine and \$2 dollars per case or partial case of beer to the wholesaler who receives the shipment on behalf of the Delaware resident. The wholesaler shall then remit to the retail licensee one-half of the total handling fee.

Link: <https://delcode.delaware.gov/title4/c005/sc02/>

4 Del. C. § 701 Persons authorized to make sale and delivery of alcoholic liquors.

(a) No sale and delivery of alcoholic liquor shall be made in this State unless by a manufacturer or other person who holds a license of the Commissioner to sell and deliver alcoholic liquor and unless the sale and delivery is made to a person who is authorized to receive alcoholic liquor under Chapter 5 of this title.

(b) No common carrier shall be held responsible for the delivery of alcoholic liquor forbidden by this section.

(c) The Commissioner shall permit the holders of a license under §§ 531-533 of this title to receive or pick up beer in the barrel or keg directly from a manufacturer, importer or any other person authorized by this title to sell and deliver alcoholic liquor, notwithstanding any provisions of this title to the contrary.

(d) The Commissioner may permit an off-site caterer to transport alcoholic liquor in accordance with the Commissioner's rules.



Link: <https://delcode.delaware.gov/title4/c007/index.shtml>

DISTRICT OF COLUMBIA

Shipment Outbound – Yes (D.C. Code Ann. § 25-110).

Shipment Inbound – Yes, as long as the shipper has a common carrier's license. Product sold cannot exceed one case per location in any one calendar month for delivery to any one person (D.C. Code Ann. § 25-772).

Shipment Intra-state – Yes, with a manufacturer's license. Product sold cannot exceed one case per location in any one calendar month for delivery to any one person (D.C. Code Ann. § 25-110; § 25-772).

COVID-19 Measures – Distillery pubs can provide carry-out and delivery services if they register first with ABRA. Carry-out and delivery orders must be accompanied by one or more prepared food items. Distillery pubs may partner with third party vendors to deliver alcoholic beverages. This pilot program was made permanent effective October 1, 2020.

ABC-Licensed Beer, Wine and Spirits Carry-Out and Delivery FAQ Link:

<https://abra.dc.gov/page/abc-licensed-beer-wine-and-spirits-carry-out-and-delivery-faq>

Fiscal Year 2021 Budget Support Act of 2020 Link: <https://code.dccouncil.us/dc/council/laws/23-149.html>

Citation (shipment)

District of Columbia Code

D.C. Code Ann. § 25-110. Manufacturer's licenses.

(ii) Sell and deliver the products manufactured under the license from the licensed establishment to another licensee under this title for resale or to a dealer licensed under the law of any state or territory of the United States for resale or to a consumer. Except as provided in § 25-126, the licensee may sell and deliver wine and spirits to the consumer only in barrels, cans, kegs, and sealed bottles, which shall not be opened after sale or the contents consumed on the premises where sold.

Link: <https://code.dccouncil.us/dc/council/code/sections/25-110.html>

D.C. Code Ann. § 25-772. Unlawful importation of beverages.

(a) Only a licensee under a manufacturer's, wholesaler's, or common carrier's license, or retailer's license under a validly issued import permit shall transport, import, bring, or ship or cause to be transported, imported, brought, or shipped into the District from outside the District any wines, spirits, or beer in a quantity in excess of one case at any one time.

(c) This section shall not apply to persons possessing old stocks who are moving into the District, to embassies or diplomatic representatives of foreign countries, to wines imported for religious or sacramental purposes, to wine, spirits, and beer to be delivered to the licensee under a manufacturer's, wholesaler's, or retailer's license, or to any persons wishing to have liquor chocolates delivered to their residence. The term "liquor chocolates" may include other types of candies that have small amounts of liquor contained in the candy.

(d) The penalty of violation of this section shall consist of (1) the forfeiture of the beverages transported, imported, brought, or shipped, or caused to be transported, imported, brought, or shipped in violation of this section, and (2) a fine of not more than the amount set forth in [§ 22-3571.01] or imprisonment for not more than 6 months.

(e) In addition to other penalties provided in this section, any person who violates the provisions of this section shall be liable for any tax, penalties, and interest provided for in this title.

Link: <https://code.dccouncil.us/dc/council/code/sections/25-772.html>



FLORIDA

Shipment Outbound – No (Fla. Stat. § 565.03(2)(c)(4)).

Shipment Inbound – No (Fla. Stat. § 561.545(1)).

Shipment Intra-state – No, craft distillers can only sell in face-to-face transactions (See § 565.03(2)(c)(4)).

COVID-19 Measures – The existing renewal deadline is suspended through December 31, 2020, for manufacturers with an existing renewal deadline on or before Dec 31, 2020, unless extended by subsequent order.

Link: <http://www.myfloridalicense.com/dbpr/os/documents/EO%2020-210.pdf>

Citation (shipment)

Florida Statutes

Fla. Stat. § 561.545. Certain shipments of beverages prohibited; penalties; exceptions.

The Legislature finds that the direct shipment of alcoholic beverages by persons in the business of selling alcoholic beverages to residents of this state in violation of the Beverage Law poses a serious threat to the public health, safety, and welfare; to state revenue collections; and to the economy of the state. The Legislature further finds that the penalties for illegal direct shipment of alcoholic beverages to residents of this state should be made adequate to ensure compliance with the Beverage Law and that the measures provided for in this section are fully consistent with the powers conferred upon the state by the Twenty-first Amendment to the United States Constitution.

(1) Any person in the business of selling alcoholic beverages who knowingly and intentionally ships, or causes to be shipped, any alcoholic beverage from an out-of-state location directly to any person in this state who does not hold a valid manufacturer's or wholesaler's license or exporter's registration issued by the Division of Alcoholic Beverages and Tobacco or who is not a state-bonded warehouse is in violation of this section.

Link:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0561/Sections/0561.545.html

Fla. Stat. § 565.03. License fees; manufacturers, distributors, brokers, sales agents, and importers of alcoholic beverages; vendor licenses and fees; distilleries and craft distilleries.

(2)(c) A craft distillery licensed under this section may sell to consumers, at its souvenir gift shop, branded products distilled on its premises in this state in factory-sealed containers that are filled at the distillery for off-premises consumption. Such sales are authorized only on private property contiguous to the licensed distillery premises in this state and included on the sketch or diagram defining the licensed premises submitted with the distillery's license application. All sketch or diagram revisions by the distillery shall require the division's approval verifying that the souvenir gift shop location operated by the licensed distillery is owned or leased by the distillery and on property contiguous to the distillery's production building in this state.

1. A craft distillery may not sell any factory-sealed individual containers of spirits except in face-to-face sales transactions with consumers who are making a purchase of no more than six individual containers of each branded product.

2. Each container sold in face-to-face transactions with consumers must comply with the container limits in s. 565.10, per calendar year for the consumer's personal use and not for resale and who are present at the distillery's licensed premises in this state.



3. A craft distillery must report to the division within 5 days after it reaches the production limitations provided in paragraph (1)(b). Any retail sales to consumers at the craft distillery's licensed premises are prohibited beginning the day after it reaches the production limitation.

4. A craft distillery may not ship or arrange to ship any of its distilled spirits to consumers and may sell and deliver only to consumers within the state in a face-to-face transaction at the distillery property. However, a craft distiller licensed under this section may ship, arrange to ship, or deliver such spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state or federal bonded warehouses, and exporters.

Link:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0565/Sections/0565.03.html

GEORGIA

Shipment Outbound – No (O.C.G.A. § 3-4-24.1(c)(2)).

Shipment Inbound – No (O.C.G.A. § 3-3-27(a)(3)).

Shipment Intra-state – No, but distillers can sell at their licensed premises to individuals for on or off-premises consumption. Sales made for consumption off-premises shall not exceed 4,500 milliliters of distilled spirits per individual per day (O.C.G.A. § 3-4-24.1(c)(2); § 3-4-24.2).

COVID-19 Measures – COVID-19 relief measures were aimed at restaurants and bars.

Citation (shipment)

Georgia Code

O.C.G.A. § 3-3-27. Unlawful manufacture, transportation, receipt, possession, sale, or distribution of alcoholic beverages; failure to file proper reports or bonds or pay fees; declaration of apparatus used in unlawful manufacture of alcoholic beverages as contraband; penalties.

(a) No person knowingly and intentionally shall:

(3) Transport, ship, receive, possess, sell, offer to sell, distribute, or in any manner use any alcoholic beverages or alcohol, except as permitted by this title.

Link: [O.C.G.A. § 3-3-27](#)

O.C.G.A. § 3-4-24.1. Distiller's license authorizing manufacture of distilled spirits from agricultural products other than perishable fruits; storage.

(a) The commissioner may issue a license authorizing the manufacture of distilled spirits from agricultural products other than perishable fruits grown in this state.

(c) It is unlawful for the licensee to sell or dispose of any such distilled spirits or alcohol:

(1) In any municipality, county, or unincorporated area of a county in which the sale of distilled spirits or alcohol is prohibited by this chapter; or

(2) To any person not holding an importer's, broker's, or wholesaler's license issued pursuant to this chapter or by another state.

Link: [O.C.G.A. § 3-4-24.1](#)

O.C.G.A § 3-4-24.2. Three-tier system of distribution and sale of distilled spirits; reporting; days and times for sale; sale price; taxes; regulatory authority; violations.

(a) As used in this Code section, the term:



- (1) "Licensed premises" means the physical premises where a distiller is licensed by the state as a manufacturer of distilled spirits.
- (2) "On-site production volume" means the volume of distilled spirits produced by distillation through one or more stills located at a licensed premises as part of a distiller's process of engaging in the material and essential aspects of manufacturing such distilled spirits for human consumption.
- (b) A limited exception to the provisions of this title providing a three-tier system for the distribution and sale of distilled spirits shall exist to the extent that the license to manufacture distilled spirits in this state shall include the right of a licensed distiller to sell up to 750 barrels of distilled spirits per calendar year to individuals on such distiller's licensed premises for personal use and not for resale, subject to the following terms and conditions:
 - (1) Such retail sales of distilled spirits shall only be made to an individual who is physically on such distiller's licensed premises and is of the age required by Code Section 3-3-23;
 - (2) A maximum of three of such distiller's licensed premises shall be permitted to make such retail sales. If such distiller has more than one licensed premises, such distiller shall annually designate the specific licensed premises, up to a maximum of three, from which such distiller has elected to exercise its limited right to sell distilled spirits pursuant to this subsection and shall provide notification of such designation to the department for each calendar year;
 - (3) Such retail sales made for consumption on the premises shall not be subject to a daily maximum amount;
 - (4) Such retail sales made for consumption off the premises shall not exceed a maximum of 4,500 milliliters of distilled spirits per individual per day;
 - (5) Such distiller shall only make such retail sales of distilled spirits that such distiller has distilled, rectified, blended, aged, or bottled at one or more of its licensed premises;
 - (6) Such distiller shall only make such retail sales of distilled spirits for which such distiller is the sole owner of the brand and brand label;
 - (7) Beginning on April 1, 2022, and continuing thereafter, such distiller shall only make such retail sales of distilled spirits at a licensed premises at which such distiller reports on-site production volume, unless such licensed premises:
 - (A) Operates under the same federal distilled spirits permit of a licensed premises of such distiller at which such distiller reports on-site production volume;
 - (B) Is designated under paragraph (2) of this subsection as one of such distiller's licensed premises for retail sales;
 - (C) Is used for aging distilled spirits transferred from such distiller's on-site production volume in wooden containers for a period exceeding one year at such licensed premises; provided, however, that such licensed premises may also be used for aging distilled spirits transferred to such licensed premises as permitted under subsection (d) of this Code section; and
 - (D) Has physically located at such licensed premises at all times during such calendar year not less than 500 barrels of distilled spirits owned by such distiller that are being aged in wooden containers; and
 - (8) Beginning on April 1, 2022, and continuing thereafter, the maximum volume of distilled spirits that such distiller may sell from each specific licensed premises permitted to make such retail sales under this subsection during any calendar quarter shall be limited as follows:
 - (A) From a licensed premises at which such distiller reports on-site production volume, the maximum volume shall be the on-site production volume at such licensed premises during such calendar quarter; and
 - (B) From a licensed premises that meets all of the qualifications described in subparagraphs (A) through (D) of paragraph (7) of this subsection, the maximum volume shall be the difference between:
 - (i) The total aggregate on-site production volume of such distiller in this state among all of such distiller's licensed premises during such calendar quarter; and
 - (ii) The total aggregate retail sales made by such distiller under this subsection at all other licensed premises at which such distiller makes retail sales under this subsection during such calendar quarter.



- (c) Each distiller shall file a report with the department every calendar quarter documenting all retail sales made under subsection (b) of this Code section and the on-site production volume of such distiller at each licensed premises in such manner and on such forms as designated by the department.
- (d) Nothing in this Code section shall prohibit a distiller from transferring any liquid, regardless of whether such liquid would be deemed to be a finished product of distilled spirits or was distilled by such distiller, to or from any of such distiller's licensed premises or from selling such transferred liquid to individuals present at such distiller's licensed premises, subject to the terms and limitations of subsection (b) of this Code section.
- (e) A distiller may sell distilled spirits pursuant to subsection (b) of this Code section on all days and at all times that sales of distilled spirits by retailers and retail consumption dealers are lawful within the county or municipality in which the licensed premises of such distiller is located, including, but not limited to, Sundays.
- (f) A distiller shall not sell any distilled spirits for consumption off the premises pursuant to subsection (b) of this Code section at a price less than the price at which a person licensed to sell distilled spirits by the package is permitted to sell distilled spirits pursuant to subsection (b) of Code Section 3-4-26.
- (g) Any distiller engaging in sales of distilled spirits pursuant to subsection (b) of this Code section shall remit all state and local sales, use, and excise taxes to the proper tax collecting authority.
- (h) The commissioner shall promulgate and enforce such rules and regulations as he or she may deem reasonable and necessary to effectuate the provisions of this Code section.
- (i) Upon a violation by a distiller of any provision of this Code section or this title or any rule or regulation promulgated thereunder, the commissioner shall have the power to place conditions or limitations on such distiller's license and to modify or amend such conditions or limitations.

Link: [O.C.G.A. § 3-4-24.2](#)

HAWAII

Note: This summary looks at Hawaii state law and does not address the specific laws implemented by the liquor commissions of Hawaii, Maui, Honolulu, and Kauai counties. Distillers should look to their local liquor commissions for additional guidance.

Shipment Outbound – Silent.

Shipment Inbound – No, however, an individual may obtain a permit for single shipment for personal consumption. No more than 1 permit may be in respect of any 1 household in any calendar year. The total of liquor shipped cannot exceed 5 gallons or 3.2 gallons if it is a gift (HRS § 281-33.1).⁵

Shipment Intra-state – A manufacturer can sell to any person for private use or consumption a product it manufactures from fruits or other products grown in HI on its premises. Although the statute says the sale must occur on the premises, the law does not specify whether such product could then be shipped to the purchaser's home (HRS § 281-31).⁶

⁵ S.B. 65, introduced on January 1, 2021, would allow a distilled spirits manufacturer with a license issued by another state to obtain a direct shipper permit to directly ship distilled spirits to a consumer at least 21 years of age in any county for personal use. The bill was crossed over on February 22, 2021 and is in committee.

Link: https://www.capitol.hawaii.gov/session2021/bills/SB65_HD1_.HTM

⁶ S.B. 65, introduced on January 1, 2021, would allow a licensed distilled spirits manufacturer to obtain a direct shipper permit to directly ship distilled spirits to a consumer at least 21 years of age in any county for personal use. The bill was crossed over on February 22, 2021 and is in committee.

Link: https://www.capitol.hawaii.gov/session2021/bills/SB65_HD1_.HTM



COVID-19 Measures – On June 7, 2021, the Hawaii governor signed a Twenty-First proclamation related to the COVID-19 emergency allowing county liquor commissions to continue: 1) allowing licensees to sell unopened beer, wine, or prepackaged cocktails with food for pick-up, delivery, take out, or other means to be consumed off premises; and 2) waive, suspend, or postpone any deadlines or administrative procedures. Distillers must look to their local liquor commissions for additional guidance and relief measures available to them. The current proclamation is valid through August 6, 2021, unless terminated or superseded by a separate proclamation.

Link:

https://governor.hawaii.gov/wp-content/uploads/2021/06/2106080-ATG_21st-Emergency-Proclamation-fo-r-COVID-19-distribution-signed.pdf

Citation (shipment)

Hawaii Revised Statutes

§ 281-31 Licenses, classes.

(a) Licenses may be granted by the liquor commission as provided in this section.

(b) Class 1. Manufacturer license. A license for the manufacture of liquor shall authorize the licensee to:

(1) Manufacture the liquor therein specified;

(2) Sell it in original packages to any wholesaler who holds a license to resell it; and

(3) Sell beer, wine, or other specified liquor manufactured or distilled on the licensee's premises from fruits or other products grown in the State, in any quantity:

(A) At wholesale in original packages to any person who holds a license to resell it; and

(B) To any person for private use and consumption. Under this license, no liquor shall be consumed on the premises, except as authorized by the commission. Of this class, there shall be the following kinds:

(1) Beer;

(2) Wine;

(3) Alcohol; and

(4) Other specified liquor.

It shall be unlawful for any holder of a manufacturer license to have any interest whatsoever in the license or licensed premises of any other licensee. This subsection shall not prevent the holder of a manufacturer license under this chapter or under the law of another jurisdiction from maintaining any interest in the license or licensed premises of a wholesale dealer licensee under this chapter.

Link: https://www.capitol.hawaii.gov/hrscurrent/vol05_Ch0261-0319/HRS0281/HRS_0281-0031.htm

§ 281-33.1 Individual permits to receive shipments of liquor.

(a) Notwithstanding any other provisions of law, any unlicensed adult person may apply to the liquor commission and be issued, for a nominal fee, except as hereinafter provided, a permit to receive a single shipment of liquor from outside the State, not to exceed five gallons, (19 liters), for use and consumption by the applicant and the applicant's household and not for sale in any form.

(b) In the case of a shipment that the applicant shows is an unsolicited gift, the quantities permitted to be received under subsection (a) shall be limited to 3.2 gallons (12 liters) in total of all kinds of liquor.

(c) In the case of a shipment in respect of which the applicant shows to the liquor commission that the liquor was prior to the date of the application the personal property of the applicant, formed a part of the applicant's household goods, was used and stored outside the State, and was originally acquired (or made by the applicant) outside the State, the quantity of wine, or other liquor capable of aging and originating from grapes or other fruit, which shall be permitted to be received under subsection (a) may exceed the limit there stated if the commission finds that it is reasonable to do so consistent with the intent of this statute to allow persons taking up residency in the State the free movement of their household goods into this State.



(d) In the case of a shipment of wine or beer that is otherwise available in the State, the permit shall not be issued unless the applicant pays a fee equal to the tax that would be imposed by section 244D-4 upon the use of liquor having a wholesale price equal to the price paid or to be paid by the applicant for the wine or beer being shipped, and such fee shall be in lieu of the imposition by section 244D-4 of any tax upon the use of the wine or beer.

(e) Except in the case of applications meeting the requirements of subsection (b), (c), or (d), the permit shall not be issued unless the applicant demonstrates to the satisfaction of the liquor commission that each of the brands to be brought in under the permit is otherwise unavailable in the State.

(f) No more than one permit may be issued pursuant to subsection (a) in respect of any one household in any calendar year, and each applicant shall be required to affirm, under penalty of perjury, that no member of the applicant's household has previously received such a permit in the applicable calendar year.

(g) All such applications and shipments shall be in accordance with regulations promulgated by the liquor commission.

(h) A common carrier to whom the permit is presented is authorized to make delivery of the described shipment to the person named in the permit. Delivery of such a shipment pursuant to the permit shall not be deemed to constitute a sale in this State.

(i) An unlicensed adult shall not be required to obtain a permit under this section to receive shipments of liquor pursuant to section 281-33.6.

Link: https://www.capitol.hawaii.gov/hrscurrent/Vol05_Ch0261-0319/HRS0281/HRS_0281-0033_0001.htm

IDAHO

Shipment Outbound – Yes, with a manufacturer's license (Idaho Code § 23-507).

Shipment Inbound – No, distilled spirits are only sold in state-operated liquor stores and contract retail stores that are authorized by the Idaho State Liquor Division.

Shipment Intra-state – No. A distillery distributing station can only sell liquor purchased from the ID Liquor Division to customers on its premises. The rules and restrictions governing a distillery distributing station's sale are listed in the Special Distributor Agreement the distiller has with the Idaho State Liquor Division (IDAPA 15.10.01.012.02).

COVID-19 Measures – Idaho is currently in Stage Four of its COVID-19 plan. The ID State Liquor Division has not provided any guidance or issued additional measures.

Link: <https://rebound.idaho.gov/wp-content/uploads/stage4-stay-healthy-guidelines-051121.pdf>

Citation (shipment)

Idaho Code § 23-507. Manufacturers' Licenses.

The division may grant a license to a manufacturer of alcoholic liquor for sale to the division and to customers outside of the state, subject to such regulations as the division may adopt. The fee for such permit shall be one hundred dollars (\$100).

Link: <https://legislature.idaho.gov/statutesrules/idstat/title23/t23ch5/sect23-507/>

Rules of the Idaho State Liquor Division

IDAPA 15.10.01.012.02. Retail Sales.

Distillery Distributing Stations may sell Liquor manufactured on premises of such distillery to customers outside the state of Idaho in accordance with Section 23-507, Idaho Code. Distillery Distributing Stations may sell Liquor manufactured on the premises that is purchased from the Division to customers on the premises of its distillery



in accordance with and pursuant to a Special Distributor Agreement with the Division. The Special Distributor Agreement will include governing terms and conditions for retail sale of Liquor manufactured on the premises within the state of Idaho in accordance with Title 23, Chapter 3, Idaho Code, and applicable rules of the Division governing retail sale operations.

Link: <https://adminrules.idaho.gov/rules/current/15/151001.pdf>

ILLINOIS

Shipment Outbound – No (235 ILCS 5/6-4(e)).

Shipment Inbound – No (235 ILCS 5/6-29.1(a)).⁷

Shipment Intra-state – No, a class 1 or class 2 craft distiller license holders cannot deliver any alcoholic liquor to any non-licensee off the licensed premises. Sales must be limited to on-premises, in-person sales only, for consumption on or off-premises (235 ILCS 5/6-4(e)).⁸

COVID-19 Measures – Since March 2020, the ILCC has allowed class 1 and class 2 craft distillers and distillery pubs to deliver. The ILCC's Guidance on Temporary Delivery of Alcoholic Liquor was updated on October 26, 2020 to continue to temporarily allow class 1 and class 2 craft distillers and distilling pubs to deliver alcoholic liquor in the original package. Except for the delivery of "to go" mixed drinks or cocktails, licensed retailers and temporary delivery licensees may use third party delivery services to make local deliveries. It is stated in the ILCC's Guidance on Temporary Delivery of Alcoholic Liquor that these authorizations will be rescinded upon the termination of COVID-19 emergency restrictions. Executive Order 2020-43, as amended by Executive Order 2020-55 and Executive Order 2020-59, encouraging food and beverage service through means such as delivery, drive-through, and curbside pick-up was re-issued on April 30, 2021, and extended through May 29, 2021. As of June 11, 2021, Illinois has entered Phase 5 of Restore Illinois, which states that all sectors of the economy reopen with businesses, schools, and recreation resuming normal operations with new safety guidance and procedures (Executive Order 2021-12).

Citation (shipment)

Illinois Revised Statutes

235 ILCS 5/6-29.1

Sec. 6-29.1. Direct shipments of alcoholic liquor.

(a) The General Assembly makes the following findings:

⁷ S.B. 0532, introduced on February 23, 2021, is pending in Illinois that would authorize a person who is licensed to make spirits under the laws of another state and obtains a distillery shipper's license to ship spirits directly to a resident of Illinois who is at least 21 years of age for personal use. H.B. 3495, the House version of the bill, was introduced on February 19, 2021. Both bills are in committee.

Links: <https://www.ilga.gov/legislation/102/SB/10200SB0532.htm>
<https://www.ilga.gov/legislation/102/HB/10200HB3495.htm>

⁸ S.B. 0532, introduced on February 23, 2021, is pending in Illinois that would authorize a person with a distiller license and obtains a distillery shipper's license to ship spirits directly to a resident of Illinois who is at least 21 years of age for personal use. H.B. 3495, the House version of the bill, was introduced on February 19, 2021. Both bills are in committee.

Links: <https://www.ilga.gov/legislation/102/SB/10200SB0532.htm>
<https://www.ilga.gov/legislation/102/HB/10200HB3495.htm>

Current as of July 2021



(5) Therefore, the paramount purpose of this amendatory Act is to continue to carefully limit direct shipment sales of wine produced by makers of wine and to continue to prohibit such direct shipment sales for spirits and beer.

For these reasons, the Commission shall establish a system to notify the out-of-state trade of this prohibition and to detect violations. The Commission shall request the attorney general to extradite any offender.

(b) Pursuant to the Twenty-First Amendment of the United States Constitution allowing states to regulate the distribution and sale of alcoholic liquor and pursuant to the federal Webb-Kenyon Act declaring that alcoholic liquor shipped in interstate commerce must comply with state laws, the General Assembly hereby finds and declares that selling alcoholic liquor from a point outside this State through various direct marketing means, such as catalogs, newspapers, mailers, and the Internet, directly to residents of this State poses a serious threat to the State's efforts to prevent youths from accessing alcoholic liquor; to State revenue collections; and to the economy of this State.

Any person manufacturing, distributing, or selling alcoholic liquor who knowingly ships or transports or causes the shipping or transportation of any alcoholic liquor from a point outside this State to a person in this State who does not hold a manufacturer's, distributor's, importing distributor's, or non-resident dealer's license issued by the Liquor Control Commission, other than a shipment of sacramental wine to a bona fide religious organization, a shipment authorized by Section 6-29, subparagraph (17) of Section 3-12, or any other shipment authorized by this Act, is in violation of this Act.

Link: <https://www.ilga.gov/legislation/ilcs/documents/023500050K6-29.1.htm>

235 ILCS 5/6-4(e)

A person licensed as a class 1 craft distiller or a class 2 craft distiller, including a person who holds more than one class 1 craft distiller or class 2 craft distiller license, not affiliated with any other person manufacturing spirits may be authorized by the State Commission to sell (1) up to 5,000 gallons of spirits produced by the person to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts business permitting only the retail sale of spirits manufactured at such premises and (2) vermouth purchased through a licensed distributor for on-premises consumption. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or off premises, and such authorization shall be considered a privilege granted by the class 1 craft distiller or class 2 craft distiller license. A class 1 craft distiller or class 2 craft distiller licensed for retail sale shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

A class 1 craft distiller or class 2 craft distiller license holder shall not deliver any alcoholic liquor to any non-licensee off the licensed premises. A class 1 craft distiller or class 2 craft distiller shall affirm in its annual license application that it does not produce more than 50,000 or 100,000 gallons of distilled spirits annually, whichever is applicable, and that the craft distiller does not sell more than 5,000 gallons of spirits to non-licensees for on or off-premises consumption. In the application, which shall be sworn under penalty of perjury, the class 1 craft distiller or class 2 craft distiller shall state the volume of production and sales for each year since the class 1 craft distiller's or class 2 craft distiller's establishment.

Link: <https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=023500050K6-4>

Citation (COVID-19)

Illinois Liquor Control Commission - COVID-19 Related Action Guidance on Temporary Delivery of Alcoholic Liquor Updated October 26, 2020

Delivery Authorization:

Due to the hardships on liquor license holders as a result of the COVID-19 virus outbreak and in an effort to limit gatherings at a single business location, the Illinois Liquor Control Commission temporarily authorizes the delivery of alcoholic liquor to non-licensees under the following conditions:



All authorizations set forth herein are subject to the approval of the local liquor control commission and/or local ordinances.

1. All licensed retailers, including on-premises only licensees, are authorized to conduct “to go” sales, curbside deliveries, and home residential deliveries. (“Temporary Deliveries”).
2. A Brewer, class 1 brewer, class 2 brewer, class 1 craft distiller, class 2 craft distiller, brew pub, distilling pub, and wine-maker premises license holders (“Temporary Delivery Licensees”) shall have the limited authority to make Temporary Deliveries of alcoholic liquor in the original package (or growlers and crowlers pursuant to 235 ILCS 5/6-6.5 if applicable). All Temporary Delivery Licensees shall hold necessary local and state licenses to conduct retail alcoholic liquor sales.
3. License retailers and Temporary Delivery Licensees shall not conduct Temporary Deliveries of alcoholic liquor they are not normally authorized to sell to non-licensees.
4. Except for the delivery of “To Go” Mixed Drinks or Cocktails, licensed retailers and Temporary Delivery Licensees may use third party delivery services to make local Temporary Deliveries. Temporary Deliveries shall be limited to local deliveries. The intrastate or interstate shipment of Temporary Deliveries through a common carrier is prohibited.
5. All Temporary Delivery Licensees may make sales and deliveries of alcoholic liquor in the original package and of beer (for a manufacturer of beer) pursuant to 235 ILCS 5/6-6.5 (growlers/crowlers) only.
6. Off-premises only license retailers may make sales and deliveries of alcoholic liquor in the original package only.
7. On-premises or Combined licensed retailers may make sales and deliveries of alcoholic liquor in the original package, of beer pursuant to 235 ILCS 5/6-6.5 (growlers/crowlers), and of “to go” mixed drinks and cocktails pursuant to the guidelines set forth in Commission bulletin titled “Sales and Delivery of ‘To Go’ Mixed Drinks or Cocktails” dated June 2, 2020.
8. All Temporary Deliveries made to a residence or to a curbside vehicle shall require the delivery representative to observe the appearance of the delivery recipient at a safe social distance, and if necessary, require the examination of the recipient identification to ensure the recipient is over twenty-one and not intoxicated. If such observation of the recipient or recipient identification cannot be accomplished while respecting safe social distancing or with the appropriate Personal Protective Equipment, the alcoholic liquor shall be returned with a full refund.

Alcoholic liquor deliveries made upon the conditions set forth herein are temporary and are not generally authorized by the Illinois Liquor Control Act or Illinois Liquor Control Commission Rules. All Temporary Delivery authorizations are for the purpose of promoting safe social distancing and shall be rescinded upon the termination of COVID-19 emergency restrictions.

Links

Delivery Authorization:

<https://www2.illinois.gov/ilcc/News/SiteAssets/Pages/COVID/Guidance%20on%20Temporary%20Delivery%20of%20Alcoholic%20Liquor%20.pdf>

Executive Orders:

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-43.aspx>

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2021-09.aspx>

<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2021-12.aspx>

Restore Illinois Phase 5:

<https://coronavirus.illinois.gov/restore-illinois/phase-5.html>

INDIANA



Shipment Outbound – Yes, a distiller may sell and deliver liquor to points outside IN (IC 7.1-3-7-3). A distiller also may sell and ship to a place outside IN liquor manufactured by another distiller under IC 7.1-3-7-5.

Shipment Inbound – No, only direct wine seller permittees may ship to a person in IN who does not hold a valid wholesaler permit (IC 7.1-5-11-1.5(a)).

Shipment Intra-state – No, a distiller may not sell liquor to a consumer (IC 7.1-3-7-3).

COVID-19 Measures – Executive Order 20-44 extends Executive Order 20-14, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout and allows permittees to take alcohol to a vehicle adjacent to a restaurant premises until December 1, 2020. Executive Order 21-12 extended Executive Order 20-14 until May 31, 2021. On April 29, 2021 these provisions were made permanent when H.B. 1396 was signed and enacted into law.

Executive Order 21-12 Link:

<https://www.in.gov/gov/files/Executive-Order-21-12-Continuation-of-Modified-County-Based-Restrictions.pdf>

H.B. 1396 Link: <https://legiscan.com/IN/text/HB1396/id/2238613/Indiana-2021-HB1396-Introduced.pdf>

Citation (shipment)

Indiana Code

IC 7.1-3-7-3 Scope of permit

Sec. 3. (a) The holder of a distiller's permit shall be entitled to:

- (1) manufacture liquor;
- (2) rectify liquor;
- (3) bottle liquor; and
- (4) insert liquor into containers.

(b) A distiller shall enjoy all the privileges accorded the holder of a rectifier's permit, but the distiller shall not have to obtain a separate rectifier's permit nor pay an additional fee.

(c) A distiller shall be entitled to transport liquor and to sell and deliver it in shipments to points outside this state, or to the holder of a liquor wholesaler's permit, or to the holder of a rectifier's permit.

(d) A distiller may not sell liquor produced under a distiller's permit as issued under section 1 of this chapter to a consumer, nor to a person for the purpose of having it retailed by the person, whether that person holds a liquor retailer's permit under this title or not.

(e) A distiller may transport liquor to and from a brewery located within the same county for the purposes of carbonating and canning by the brewery.

(f) The activity under this section is not an interest under IC 7.1-5-9.

Link: <http://184.175.130.101/legislative/laws/2021/ic/titles/7.1#7.1-3-7-3>

IC 7.1-3-7-5 Importation of liquor by distiller

Sec. 5. Importation of Liquor by Distiller. The holder of a distiller's permit also shall be entitled to import and sell within this state liquor fully manufactured outside this state and ready for marketing when imported. A distiller may sell imported liquor only to a person who holds a liquor wholesaler's permit, or to the holder of a rectifier's permit, or to another distiller. A distiller may not sell imported liquor at retail nor to a retailer. A distiller also may sell and ship to a place outside this state, the liquor manufactured by another distiller under this title.

Link: <http://184.175.130.101/legislative/laws/2021/ic/titles/7.1#7.1-3-7-5>

IC 7.1-5-11-1.5 Shipments of alcoholic beverages to residents without valid wholesaler permits; violations

Sec. 1.5. (a) Except as provided in IC 7.1-3-26, it is unlawful for a person in the business of selling alcoholic beverages in Indiana or outside Indiana to ship or cause to be shipped an alcoholic beverage directly to a person

Current as of July 2021



in Indiana who does not hold a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

(b) An in-state or an out-of-state vintner, distiller, brewer, rectifier, or importer that:

(1) holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) knowingly violates subsection (a);
commits a Class A misdemeanor.

(c) A person who is not an in-state or an out-of-state vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives who knowingly violates subsection (a) commits a Level 6 felony.

(d) Upon a determination by the commission that a person has violated subsection (a), a wholesaler may not accept a shipment of alcoholic beverages from the person for a period of up to one (1) year as determined by the commission.

(e) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall:

(1) notify the federal Bureau of Alcohol, Tobacco, Firearms and Explosives in writing and by certified mail of the official determination that state law has been violated; and

(2) request the federal bureau to take appropriate action.

(f) The commission shall adopt rules under IC 4-22-2 to implement this section.

Link: <http://184.175.130.101/legislative/laws/2021/ic/titles/7.1#7.1-5-11-1.5>

Citation (COVID-19)

Sept. 28, 2020 - Information on Executive Order 20-43 and 20-44, Back on Track Indiana: Stage Five Previously issued capacity limits for restaurants, bars, taverns, nightclubs and other establishments providing in-person food and/or drink service have been rescinded and replaced with the following requirements:

all patrons must remain seated while consuming food and/or drink or when otherwise remaining on the premises; and seating must be arranged and maintained so that individuals, households or parties are spaced at least six feet apart from any other individual, household or party.

Self-service beverage stations are permitted and self-service food stations (buffets, salad bars, etc.) are permitted but not recommended unless a staff member serves patrons.

EO 20-44 extends Executive Order 20-14, which allows permittees not otherwise eligible for carryout, to sell alcoholic beverages for carryout and allows permittees to take alcohol to a vehicle adjacent to a restaurant premises until December 1, 2020.

Link: <https://www.in.gov/atc/2854.htm>

IOWA

Shipment Outbound – Yes, the manufacturer's and native distillery licenses allow licensees to ship out of state to customers if the purchaser has the right to receive it in their state (IA Rule 185—5.3(2)).



Shipment Inbound – No. The division has exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported (IA Code, § 123.22). Shipments can only be made to the state warehouse or to receiving points designated by Iowa’s administrator (IA Rule 185—8.2(1)).⁹

Shipment Intra-state – No. Native distilleries can only sell for on-premises consumption (IA Code, § 123.30(c)).¹⁰

COVID-19 Measures – Licensees and permittees authorized to sell liquor in original unopened containers for off-premises consumption may deliver to a home. H.F. 766, signed and enacted into law on May 10, 2021, authorizes the delivery of liquor, wine, or beer by a licensee or permittee, an employee of the licensee or permittee, or a third party if the licensee or permittee has entered into a written agreement with the third party authorizing the third party to act as an agent of the licensee or permittee for the purpose of delivering alcoholic liquor, wine, or beer.

H.F. 766 Link: <https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=HF766>

Citation (shipment)

Iowa Code

§ 123.22 State monopoly.

A distillery shall not sell alcoholic liquor within the state to any person but only to the division, except as otherwise provided in this chapter. This section vests in the division exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter.

Link: <https://www.legis.iowa.gov/docs/code/123.22.pdf>

§ 123.30 Liquor control licenses — classes.

3. Liquor control licenses issued under this chapter shall be of the following classes:

c. Class “C”.

(3) A class “C” native distilled spirits liquor control license may be issued to a native distillery but shall be issued in the name of the individuals who actually own the business and shall only be issued to a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of distilled spirits on an annual basis. The license shall authorize the holder to sell native distilled spirits manufactured on the premises of the native distillery to patrons by the individual drink for consumption on the premises and mixed drinks or cocktails for consumption off the premises subject to the requirements of section 123.49, subsection 2, paragraph “d”. All native distilled spirits sold by a native distillery for on-premises consumption and mixed drinks or cocktails sold for consumption off the premises shall be purchased from a class “E” liquor control licensee in original unopened containers.

Link: <https://www.legis.iowa.gov/docs/code/123.30.pdf>

§ 123.41 Manufacturer’s license — alcoholic liquor.

⁹ H.F. 639, introduced on February 23, 2021, would allow a manufacturer of native distilled spirits licensed or permitted pursuant to laws regulating alcoholic beverages in another state to apply for a direct shipper permit. All shipments must be made through the state’s wholesale distribution system. The bill is in committee.

Link: <https://www.legis.iowa.gov/docs/publications/LGI/89/attachments/HF639.html>

¹⁰ H.F. 639, introduced on February 23, 2021, would allow a manufacturer of native distilled spirits licensed or permitted pursuant to laws regulating alcoholic beverages in Iowa to apply for a direct shipper permit. All shipments must be made through the state’s wholesale distribution system. The bill is in committee.

Link: <https://www.legis.iowa.gov/docs/publications/LGI/89/attachments/HF639.html>



1. Each completed application to obtain or renew a manufacturer's license shall be submitted to the division electronically, or in a manner prescribed by the administrator, and shall be accompanied by a fee of three hundred fifty dollars payable to the division. The administrator may in accordance with this chapter grant and issue to a manufacturer a manufacturer's license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the division and to customers outside of the state.

Link: <https://www.legis.iowa.gov/docs/code/123.41.pdf>

§ 123.43A Native distilleries.

1. Subject to rules of the division, a native distillery holding a class "A" native distilled spirits license issued pursuant to section 123.43 may sell or offer for sale native distilled spirits. As provided in this section, sales of native distilled spirits manufactured on the premises may be made at retail for off-premises consumption when sold on the premises of the native distillery that manufactures native distilled spirits. All sales intended for resale in this state shall be made through the state's wholesale distribution system.

2. A native distillery shall not sell more than one and one-half liters per person per day, of native distilled spirits on the premises of the native distillery. However, a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of native distilled spirits on an annual basis, may sell not more than nine liters per person per day, of native distilled spirits. In addition, a native distillery shall not directly ship native distilled spirits for sale at retail. The native distillery shall maintain records of individual purchases of native distilled spirits at the native distillery for three years.

3. A native distillery shall not sell native distilled spirits other than as permitted in this chapter and shall not allow native distilled spirits sold for consumption off the premises to be consumed upon the premises of the native distillery. However, native distilled spirits may be tasted pursuant to the rules of the division on the premises where fermented, distilled, or matured, when no charge is made for the tasting.

4. The sale of native distilled spirits to the division for wholesale disposition and sale by the division shall be subject to the requirements of this chapter regarding such disposition and sale.

7. A native distillery may sell the native distilled spirits it manufactures to customers outside the state.

Link: <https://www.legis.iowa.gov/docs/code/123.43A.pdf>

Iowa Rules

185—5.3(123) Licensed manufacturers and wholesalers.

5.3(1) License required. A separate manufacturer's or wholesaler's license shall be required for each place of business of the holder.

5.3(2) To whom liquor may be sold outside the state of Iowa. The holder of a manufacturer's or wholesaler's license shall not sell alcoholic liquor outside the state of Iowa, except to a purchaser having the legal right to buy and receive it from the seller at the place of sale and place of delivery, respectively.

5.3(3) Proof of right to purchase. Before making a sale to a purchaser other than the division, a licensed manufacturer or wholesaler shall require the purchaser to produce and exhibit for inspection proof of the right to purchase alcoholic liquor according to the laws of the purchaser's own state.

Link: <https://www.legis.iowa.gov/docs/iac/rule/08-08-2012.185.5.3.pdf>

185—8.2(123) Rules and regulations as between shippers and this division.

8.2(1) Shipment into state. Shipments of alcoholic liquors can only be made into the state of Iowa by suppliers. Shipments can only be made to the state warehouse, 1918 S.E. Hulsizer, Ankeny, Iowa 50021, or to receiving points designated by the administrator.

Link: <https://www.legis.iowa.gov/docs/iac/chapter/10-07-2020.185.7.pdf>



Citation (COVID-19)

Regulatory Bulletin

Third-Party Delivery of Alcoholic Beverages (July 1, 2021)

Iowa Code section 123.46A outlines the regulations regarding the delivery of alcoholic beverages.

What can be delivered?

- Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit.
 - Alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises.
 - Wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container only if the container other than the original container has been sold and securely sealed in compliance with Iowa Code chapter 123 and Iowa Administrative Code 185.

Can alcohol be shipped directly to a consumer?

- Wine may be shipped directly to a consumer by a wine manufacturer who has obtained a wine direct shipper permit pursuant to Iowa Code section 123.187.
- No other alcoholic beverages can be shipped directly to a consumer in Iowa.

Where can alcohol be delivered?

- Alcohol may be delivered to a home, another licensed premises if there is identical ownership of the premises by the licensee or permittee, or other designated location in this state.

When can alcohol be delivered?

- Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Sunday.

Who can deliver?

- Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises.
- Licensees and permittees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container.
- A third party that has a written agreement with a licensee or permittee who is authorized to sell alcoholic liquor, wine, or beer in original unopened containers or wine, beer, or mixed drinks or cocktails in a container other than the original container for off premises consumption.
 - The licensee or permittee shall submit to the division a list of third-party entities it has authorized to act as its agent for the purpose of delivering alcoholic beverages.
 - The licensee or permittee shall provide the division with amendments to the list as necessary to ensure the division possesses an accurate, current list.

Other considerations:

- Payment for the alcoholic beverages shall be received by the licensee or permittee at the time of order.
- Delivery personnel shall be twenty-one years of age or older.
- Alcoholic beverages delivered pursuant to Iowa Code section 123.46A shall be for personal use and not for resale.
- Deliveries shall only be made to persons in this state who are twenty-one years of age or older.



- Valid proof of the recipient's identity and age shall be obtained at the time of delivery, and the signature of a person twenty-one years of age or older shall be obtained as a condition of delivery.
- Deliveries shall not be made to a person who is intoxicated or is simulating intoxication.
- Licensees and permittees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic beverages. The records shall be maintained on the licensed premises for a period of three years.

CONCLUSION:

- The passage of House File 766 did not change who can deliver alcohol pursuant to Iowa Code section 123.46A. House File 766 changed how those authorized to deliver alcohol pursuant to Iowa Code section 123.46A may deliver.
- A native distillery holding both an ND and LCN license may deliver mixed drinks or cocktails and may enter into an agreement with a third party to deliver mixed drinks or cocktails.
- A native brewery holding both a BAN and BB permit may deliver beer and may enter into an agreement with a third party to deliver beer.
- A native winery holding both a WAN and WCN permit may deliver native wine and beer and may enter into an agreement with a third party to deliver native wine and beer.

Link:

<https://abd.iowa.gov/sites/default/files/media/file/2021-07/regulatory-bulletin-third-party-delivery-of-alcoholic-beverages.pdf>

123.46A Delivery of alcoholic beverages by retailers.

1. Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home, another licensed premises if there is identical ownership of the premises by the licensee or permittee, or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit.
2. All deliveries of alcoholic liquor, wine, or beer shall be subject to the following requirements and restrictions:
 - a. Payment for the alcoholic liquor, wine, or beer shall be received by the licensee or permittee at the time of order.
 - b. Orders for deliveries may be taken by the licensee or permittee between the hours of 2:00 a.m. and 6:00 a.m. on a day other than Sunday, and orders for deliveries may be taken between the hours of 2:00 a.m. and 8:00 a.m. on a Sunday provided the licensee or permittee has been granted the privilege of selling alcoholic liquor, wine, or beer on Sunday, notwithstanding any provision of section 123.49, subsection 2, paragraph "b", to the contrary.
 - c. Alcoholic liquor, wine, or beer delivered to a person shall be for personal use and not for resale.
 - d. Deliveries shall only be made to persons in this state who are twenty-one years of age or older.
 - e. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication.
 - f. Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Saturday, and between 8:00 a.m. and 10:00 p.m. Sunday.
 - g. Delivery of alcoholic liquor, wine, or beer shall be made by the licensee or permittee, or the licensee's or permittee's employee, and not by a third party.
 - h. Delivery personnel shall be twenty-one years of age or older.
 - i. Deliveries shall be made in a vehicle owned, leased, or under the control of the licensee or permittee.
 - j. Valid proof of the recipient's identity and age shall be obtained at the time of delivery, and the signature of a person twenty-one years of age or older shall be obtained as a condition of delivery.



k. Licensees and permittees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic liquor, wine, or beer. The records shall be maintained on the licensed premises for a period of three years.

l. Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the liquor control license or retail wine or beer permit covering the premises to receive the delivery.

m. Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee or permittee who received the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee or permittee who fulfilled the order.

3. A violation of this section or any other provision of this chapter shall subject the licensee or permittee to the penalty provisions of section 123.39.

4. Nothing in this section shall impact the direct shipment of wine as regulated by section 123.187.

Link: <https://www.legis.iowa.gov/docs/code/123.46A.pdf>

KANSAS

Shipment Outbound – Yes, if permitted to do so by outbound state's law (Kan. Stat. Ann § 41-305(a)).

Shipment Inbound – No, manufacturers can only sell alcohol as explicitly stated in KS statutes and such kind of direct shipment by out-of-state distilleries is not authorized (Kan. Stat. Ann § 41-104).

Shipment Intra-state – No, only micro-distillers can sell their spirits on their premises for off-premises consumption (Kan. Stat. Ann § 41-354(a)(3)).

COVID-19 Measures – COVID measures in KS have allowed microdistilleries to serve sealed beverages curbside only. No delivery or shipping has been allowed. This order was signed on March 18, 2020 and remains in effect until further notice (website visited 7/27/21).¹¹

Link: <https://www.ksrevenue.org/pdf/abccurbsidememo.pdf>

Citation (shipment)

Kansas Statutes Annotated

41-104. Acts with regard to alcoholic liquor prohibited unless allowed by statute; exceptions. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

Link:

http://www.kslegislature.org/li_2020/b2019_20/statute/041_000_0000_chapter/041_001_0000_article/041_001_0004_section/041_001_0004_k/

¹¹ H.B. 2137 was signed and enacted into law on May 26, 2021, which allows a retailer's licensee to sell and deliver in the original package alcoholic liquor and cereal malt beverage for use or consumption off and away from the licensed premises. A retailer's license permits sale and delivery of alcoholic liquor and cereal malt beverage only on the licensed premises.

Link: http://kslegislature.org/li/b2021_22/measures/documents/hb2137_enrolled.pdf



41-305. Manufacturer's license; rights of licensee; samples; other. (a) A manufacturer's license shall allow the manufacture and storage of alcoholic liquor and cereal malt beverage and the sale of alcoholic liquor and cereal malt beverage to distributors and nonbeverage users licensed in this state and to such persons outside this state as permitted by law.

(b) A manufacturer's license also shall allow the serving free of charge on the licensed premises of samples of alcoholic liquor manufactured by the licensee, provided the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Samples shall be served by the licensee, or an employee or agent thereof. No sample shall be served to an individual who is a minor. No individual shall remove all or any portion of a sample from the licensed premises. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises.

Link:

http://www.kslegislature.org/li_2020/b2019_20/statute/041_000_0000_chapter/041_003_0000_article/041_03_0005_section/041_003_0005_k/

41-354. Microdistillery license; rights of licensee, microdistillery packaging and warehousing facility license; employment restrictions; rules and regulations. (a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

Link:

http://www.kslegislature.org/li_2020/b2019_20/statute/041_000_0000_chapter/041_003_0000_article/041_03_0054_section/041_003_0054_k/

KENTUCKY

Shipment Outbound – Silent.

Shipment Inbound – Yes, with a direct shipper license (Ky. Rev. Stat. § 243.027; 804 KAR 4:415).

Shipment Intra-state – Yes, see above.

COVID-19 Measures – Alcoholic beverage licenses expiring on or before September 30, 2020, will remain in effect and authorize alcoholic beverage sales until October 31, 2020. Licensees must submit license renewal applications to continue alcoholic beverage sales thereafter. No further extensions will be granted, barring exigent circumstances.

Link: <http://abc.ky.gov/Documents/ABC%20-%20Supplemental%20Order%20re%20license%20renewals.pdf>

Citation (shipment)

Kentucky Revised Statutes



§ 243.027. KRS 243.027 to 243.029 supersedes any conflicting provision of KRS Chapters 241 to 244—Licensing of direct shippers of alcoholic beverages—Duties of direct shipper licensees—Administrative regulations—Use of third parties to ship—Shipping of samples.

(2) A direct shipper license shall authorize the holder to ship alcoholic beverages to consumers. The department shall issue a direct shipper license to a successful applicant that:

- (a) Pays an annual license fee of one hundred dollars (\$100);
- (b) Is a manufacturer located in this state or any other state or an alcoholic beverage supplier licensed under KRS 243.212 or 243.215; and
- (c) Holds a current license, permit, or other authorization to manufacture or supply alcoholic beverages in the state where the applicant is located. If an applicant is located outside of Kentucky, proof of its current license, permit, or other authorization as issued by its home state shall be sufficient proof of its eligibility to hold a direct shipper license in Kentucky.

(3) (a) A manufacturer applicant shall only be authorized to ship alcoholic beverages that are sold under a brand name owned or exclusively licensed to the manufacturer, provided the alcoholic beverages were:

- 1. Produced by the manufacturer;
- 2. Produced for the manufacturer under a written contract with another manufacturer; or
- 3. Bottled for or by the manufacturer.

(b) An applicant licensed under KRS 243.212 or 243.215 shall only be authorized to ship alcoholic beverages for which it is the primary source of supply.

(4) The department shall establish the form for a direct shipper license application through the promulgation of an administrative regulation. These requirements shall include only the following:

- (a) The address of the manufacturer or supplier; and
- (b) If the applicant is located outside this state, a copy of the applicant's current license, permit, or other authorization to manufacture, store, or supply alcoholic beverages in the state where the applicant is located.

(5) For purposes of this section, the holder of a direct shipper license may utilize the services of a third party to fulfill shipments, subject to the following:

- (a) The third party shall not be required to hold any alcoholic beverage license, but no licensed entity shall serve as a third party to fulfill shipments other than the holder of a storage license or transporter's license;
- (b) The third party may operate from the premises of the direct shipper licensee or from another business location; and
- (c) The direct shipper licensee shall be liable for any violation of KRS 242.250, 242.260, 242.270, or 244.080 that may occur by the third party.

(6) A direct shipper licensee shall:

- (a) Agree that the Secretary of State shall serve as its registered agent for service of process. The licensee shall agree that legal service on the agent constitutes legal service on the direct shipper licensee;
- (b) Maintain the records required under KRS 243.027 to 243.029 and provide the department and the Department of Revenue access to or copies of these records;
- (c) Allow the department or the Department of Revenue to perform an audit of the direct shipper licensee's records or an inspection of the direct shipper licensee's licensed premises upon request. If an audit or inspection reveals a violation, the department or the Department of Revenue may recover reasonable expenses from the licensee for the cost of the audit or inspection;
- (d) Register with the Department of Revenue, and file all reports and pay all taxes required under KRS 243.027 to 243.029; and
- (e) Submit to the jurisdiction of the Commonwealth of Kentucky for any violation of KRS 242.250, 242.260, 242.270, or 244.080 or for nonpayment of any taxes owed.

(7) (a) Each direct shipper licensee shall submit to the department and the Department of Revenue a quarterly report for that direct shipper license showing:



1. The total amount of alcoholic beverages shipped into the state per consumer;
2. The name and address of each consumer;
3. The purchase price of the alcoholic beverages shipped and the amount of taxes charged to the consumer for the alcoholic beverages shipped; and
4. The name and address of each common carrier.

(b) The Department of Revenue shall create a form through the promulgation of an administrative regulation for reporting under paragraph (a) of this subsection.

(c) The department shall provide a list of all active direct shipper licensees to licensed common carriers on a quarterly basis to reduce the number of unlicensed shipments in the Commonwealth.

(8) A direct shipper licensee shall submit a current copy of its alcoholic beverage license from its home state along with the one hundred dollar (\$100) license fee every year upon renewal of its direct shipper license.

(9) Notwithstanding any provision of this section to the contrary, a manufacturer located and licensed in Kentucky may ship by a common carrier holding a Kentucky transporter's license samples of alcoholic beverages produced by the manufacturer in quantities not to exceed one (1) liter of any particular product in one (1) calendar year of distilled spirits or wine, or ninety-six (96) ounces of any particular product in one (1) calendar year of malt beverages, to the following:

- (a) Marketing or media representatives twenty-one (21) years of age or older;
- (b) Distilled spirits, wine, or malt beverage competitions or contests;
- (c) Wholesalers or distributors located outside of Kentucky;
- (d) Federal, state, or other regulatory testing labs; and
- (e) Third-party product formulation and development partners.

Such samples shall be marked by affixing across the product label, a not readily removed disclaimer with the words "Sample-Not for Sale" and the name of the manufacturer.

Link: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50669>

Department of Alcoholic Beverage Control Regulations

804 KAR 4:415. Direct shipper license.

Section 1. Qualifications. To qualify for a direct shipper license, the applicant shall:

- (1) Hold a current license, permit, or other authorization to manufacture alcoholic beverages in the state where it is located or a current license in this state under KRS 243.212 or 243.215 to supply alcoholic beverages;
- (2) Hold a current permit or authorization under the Federal Alcohol Administration Act as follows:
 - (a) If a manufacturer other than a brewery, a basic permit to produce or manufacture beverage alcohol;
 - (b) If a manufacturer that is a brewery, a brewer's notice to produce or manufacture malt beverages; or
 - (c) If an importer, wholesaler, or distributor licensed as a supplier under KRS 243.212 or 243.215, a basic importer's or wholesaler's permit for the purpose of directly shipping only those products for which the applicant is designated the primary source of supply under the applicant's supplier license;
- (3) Complete the online direct shipper license application via the department's licensing portal at <https://abc-portal.ky.gov/s/kyabcnewlicensetype>;
- (4) Provide the address and a description of the premises from which the applicant will ship alcoholic beverages to consumers, and documentation showing ownership or possession of the premises under a written agreement;

Link: <https://apps.legislature.ky.gov/law/kar/804/004/415.pdf>

LOUISIANA

Shipment Outbound – LA's ATC Commissioner may regulate export laws regarding alcohol, but no specifics other than reporting and tax requirements exist (R.S. 26:141).



Shipment Inbound – No, alcoholic beverages must be sold to the holder of a wholesaler’s permit and delivered to the wholesaler’s place of business as shown in the permit (R.S. 26:142).

Shipment Intra-state – No. Microdistilleries with Retailer Class A permits may sell their product at retail for consumption on or off the licensed premises but have no privileges to deliver (R.S. 26:71.3(A); 26:153(A)).

COVID-19 Measures – COVID measures in LA have allowed establishments to serve wine, beer, and frozen specialty drinks in sealed containers to their customers in their cars. No delivery or shipping has been allowed.

Link: <https://atc.louisiana.gov/docs/Updated%20Phase%203%20Guidance.pdf>

Citation (shipment)

Louisiana Revised Statutes

§ 71.3. Microdistillery; retail sales for consumption on or off premises.

A. Any person who has properly obtained a microdistiller’s permit as provided for in R.S. 26:71, shall be authorized to engage in the distilling, making, blending, rectifying, or processing of any alcoholic beverage in Louisiana in a quantity not to exceed twelve thousand gallons during the licensed year. The holder of such permit shall also be authorized to sell the manufactured beverages at retail for consumption on or off the licensed premises, if the holder also has been issued a Retailer Class A permit.

§ 141. Export of beverages controlled by commissioner.

The commissioner may promulgate rules regulating the sale, handling, distribution, storage, and transportation of alcoholic beverages for delivery beyond the borders of the state. The failure to comply with any such rule shall, in addition to any other penalties imposed by this Chapter, be cause for the suspension or revocation of the dealer's permit.

§ 142. Distribution through wholesalers only.

Except as provided for in R.S. 26:71.3, 85, 271.1, and 359, no alcoholic beverage produced or manufactured inside or outside of this state shall be sold or offered for sale in Louisiana or shipped or transported into or within the state except to the holder of a wholesaler’s permit and for delivery at the place of business of the wholesaler as shown in his permit.

§ 153. Delivery of alcoholic beverages; certain retailers; third parties; requirements; limitations.

A. Notwithstanding any law to the contrary, any liquor retailer permitted pursuant to R.S. 26:71(A)(3)(b) or any retailer permitted to sell alcoholic beverages for off-premise consumption may deliver, either on the licensed premises itself or at a residential or commercial address designated by the consumer, products lawfully sold to and purchased by such consumer, provided that:

(4) Deliveries to consumers are made only by the Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, and only to consumers at a residential or commercial address in this state.

B. Notwithstanding any law, rule, or regulation to the contrary, any liquor retailer permitted pursuant to R.S. 26:71(A)(3)(b) or a retailer permitted to sell alcoholic beverages for off-premise consumption, may use electronic means to do the following:

(1) Market the alcohol products it is licensed to sell.

(2) Receive and process purchase orders placed by a consumer of legal drinking age, which orders may then be delivered to such consumer on the licensed premises itself or at a residential or commercial address in this state designated by the consumer in accordance with Paragraph (A)(4) of this Section.



C. A Class B liquor retailer permitted pursuant to R.S. 26:71(A)(3)(b) or a retailer permitted to sell alcoholic beverages for off-premise consumption may market, receive, and process orders for alcohol products under this Section using electronic means owned, operated, and maintained by a third party...

LA Law Book: <https://atc.louisiana.gov/docs/law%20book.pdf>

MAINE

Shipment Outbound – Yes, alcohol can be transported to the state line for transportation outside ME by licensed for-hire carriers and contract carriers. Distillers must look to outbound state's laws (Me. Rev. Stat. Ann. Title 28-A, § 2073).

Shipment Inbound – No, spirits are only sold by the Bureau of Alcoholic Beverages and Lottery Operations (BABLO). Except for direct wine shipments, a person may not sell, furnish, deliver, or purchase liquor from an out-of-state company by mail order (Me. Rev. Stat. Ann. Title 28-A, § 2077-B).¹²

Shipment Intra-state – No, consumers are excluded from the list of individuals and entities that manufacturers can transport to (Me. Rev. Stat. Ann. Title 28-A, § 2073(D), (E)).¹³

COVID-19 Measures – As of March 2020, manufacturers with tasting rooms are allowed until further notice to offer carry out, delivery, and drive-through food and beverage, the definition of beverage is limited to beer, wine, and cocktails. Spirit products are excluded. As of November 2nd, tasting rooms must remain closed until further notice. The Moving Maine Forward Plan allowed bars and tasting rooms to reopen on March 26, 2021 and operate under the Seated Food and Drink COVID-19 Checklist.¹⁴ Effective May 24, 2021, all State of Maine COVID-19 checklists have been retired and all capacity limits for indoor gatherings and outdoor gatherings are lifted.

Links:

<https://www.maine.gov/dafs/bablo/sites/maine.gov.dafs.bablo/files/inline-files/Update%20on%20Governor%20Mills%20March%2018th%20%20EO%20-%20closure%20of%20all%20on%20prem%20-%20on%20prem%20can%20sell%20cocktails%20to%20go.pdf>

<https://www.maine.gov/governor/mills/news/cases-rising-maine-nationwide-mills-administration-announces-measures-prevent-spread-deadly>

<https://www.maine.gov/governor/mills/news/governor-mills-unveils-plan-protect-public-health-support-maines-economy-during-upcoming>

<https://www.maine.gov/covid19/moving-maine-forward>

¹² L.D. 1358, introduced on April 5, 2021, would allow a distillery outside of Maine with a current manufacturer license to obtain a spirits direct shipper license to ship spirits via common carrier to a consumer for personal use. The bill is in committee.

Link: <http://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0444&item=1&snum=130>

¹³ L.D. 1358, introduced on April 5, 2021, would allow a distillery licensed under subsection 2 that holds a current manufacturer license under §1355-A to obtain a spirits direct shipper license to ship spirits via common carrier to a consumer for personal use. The bill is in committee.

¹⁴ L.D. 205, signed and enacted into law on March 12, 2021, authorizes a qualified on-premises retailer or a qualified distillery or an employee of a qualified on-premises retailer or a qualified distillery to deliver liquor sold for off-premises consumption to a consumer at least 21 years of age at the licensed premises or a remote location.

Link: <http://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0094&item=4&snum=130>

Current as of July 2021



Citation (shipment)

Me. Rev. Stat. Ann. Title 28-A, § 1355-A. Manufacturer licenses

1. Issuance of licenses. The bureau may issue licenses under this section to breweries, small breweries, wineries, small wineries, distilleries and small distilleries in the State that operate under federal law and federal supervision.

2. Manufacturers. The following provisions apply to brewery, small brewery, winery, small winery, distillery and small distillery licensees.

C. A licensee under this section may sell to nonlicensees during regular business hours from the licensed premises where liquor is produced by the licensee liquor produced by the bottle, by the case or in bulk for consumption off the licensed premises. Spirits sold by distillers in accordance with this paragraph must be first sold to the State, subject to the listing, pricing and distribution provisions of this Title.

D. A licensee under this section may sell from the licensed premises where liquor is produced by the licensee liquor produced by the licensee for consumption off the licensed premises.

(1) Sales made in accordance with this paragraph do not require a licensee under this section to obtain an additional retail license under chapter 45.

(2) Liquor sold in accordance with this paragraph may not be consumed anywhere on the licensed premises.

(3) The area of the licensed premises where a licensee opts to transact sales for off-premises consumption is not required to be separate from and may be accessed by the same entrance for the area licensed for on-premises consumption of liquor under chapter 43 in accordance with paragraph I.

I. A licensee may be issued one retail license under chapter 43 per licensed location, on the premises of the licensed location or at another location, for the sale of liquor to be consumed on the premises at the retail premises if the same person or persons hold a controlling interest in both the licensed manufacturing location and the licensed retail establishment.

(4) A distillery or small distillery must meet the requirements of subsection 5, paragraphs D and E.

5. Distilleries; small distilleries. Except as otherwise provided in this section, the following provisions apply to distilleries and small distilleries.

D. Spirits produced by a holder of a distillery or small distillery license must be sold to the State and are subject to the listing, pricing and distribution provisions of this Title.

Link: <https://legislature.maine.gov/statutes/28-A/title28-Asec1355-A.html>

Me. Rev. Stat. Ann. Title 28-A, § 2073. Importation and transportation of liquor within the State

3. Legal importation into and transportation of liquor within the State. Liquor may be legally imported into and transported within the State in the following situations.

A. Upon application, the bureau may grant to an individual a permit to transport liquor purchased for that person's own personal use.

B. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport liquor to liquor warehouses, to licensees, from manufacturers to liquor warehouses and to the state line for transportation outside the State.

C-1. Reselling agents may transport spirits to licensees who are licensed for the sale of spirits for on-premises consumption.

D. Manufacturers may transport liquor within the State to liquor warehouses, to persons authorized under paragraph E and to the state line for transportation outside the State.

E. The bureau may permit in writing the importation of liquor into the State and the transportation of liquor from place to place within the State to the following destinations for the specified purposes:

(1) To hospitals and state institutions, for medicinal purposes only, liquor made available to them from stocks of liquor seized by the Federal Government;

(2) To industrial establishments in the State for industrial uses;



- (3) To schools, colleges and state institutions for laboratory use only;
- (4) To any licensed pharmacist in the State for use in the compounding of prescriptions and other medicinal use, but not for sale by pharmacists unless compounded with or mixed with other substances; or
- (5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian for medicinal use only.

Link: <https://legislature.maine.gov/statutes/28-A/title28-Asec2073.html>

Me. Rev. Stat. Ann. Title 28-A, § 2077-B. Interstate shipping of liquor prohibited

1. Prohibition. Except as provided in section 1403-A, a person may not sell, furnish, deliver or purchase liquor from an out-of-state company by mail order.

Link: <https://legislature.maine.gov/statutes/28-A/title28-Asec2077-B.html>

MARYLAND

Shipment Outbound – Yes, if the consumer is allowed to receive the alcohol in their state (Md. Alcoholic Beverages Code Ann. § 2-202; § 2-203).

Shipment Inbound – No (Md. Alcoholic Beverages Code Ann. § 6-327).

Shipment Intra-state – No (Md. Alcoholic Beverages Code Ann. § 2-214).

COVID-19 Measures – As long as MD remains in a state of emergency, distillers can ship directly to consumers using common carriers (Executive order 20-05-29-01 and Bulletin AB - 70). Emergency mandates and restrictions ended on July 1, 2021 and the 45-day grace period ended on August 15, 2021. H.B. 1232, signed and enacted into law on May 18, 2021, allows a Class 1 distillery license holder and a Class 9 limited distillery license holder to sell and deliver products manufactured by the license holder to a consumer in Maryland who is at least 21 years of age if the delivery is made by an employee who is at least 18 years old and is certified by an approved alcohol awareness program. A holder of a manufacturer's license may ship alcohol directly to a consumer on request if the commission authorizes the direct shipment. This emergency measure will remain in effect through December 31, 2022. (S.B. 821 is the Senate version of the bill.)

Governor Hogan Announces End of COVID-19 State of Emergency Link:

<https://governor.maryland.gov/2021/06/15/governor-hogan-announces-end-of-covid-19-state-of-emergency/>

H.B. 1232 Link: http://mgaleg.maryland.gov/2021RS/Chapters_noln/CH_360_hb1232t.pdf

Citation (shipment)

Maryland Alcoholic Beverages Code Annotated

§ 2-202. Class 1 distillery license

(c) A license holder may:

(2) sell and deliver the alcoholic beverages:

- (i) in bulk to a person in the State that is authorized to acquire them; and
- (ii) to a person outside the State that is authorized to acquire them;

Link:

[https://govt.westlaw.com/mdc/Document/N858F2000D2E711EB825FC22BFCF76B4F?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/N858F2000D2E711EB825FC22BFCF76B4F?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

§ 2-203. Class 9 limited distillery license

(c) A holder of the limited distillery license:



- (4) may sell and deliver those products manufactured under the license only to a licensed wholesaler in the State or person authorized to acquire distilled spirits in another state and not to a county dispensary;
- (5) may sell the products manufactured under the license at retail in a manner consistent with the underlying Class D or Class B license;

Link:

[https://govt.westlaw.com/mdc/Document/NAD93AE90B8CF11EBB816EB11889B68F9?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/NAD93AE90B8CF11EBB816EB11889B68F9?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

§ 2-214. Sale or delivery restricted

(a) Except as otherwise provided with respect to a 1-day license in Division II of this article, and subject to subsection (b) of this section, a holder of a manufacturer's license may not sell or deliver alcoholic beverages to a person in the State that does not hold a license or permit under this article.

Link:

[https://govt.westlaw.com/mdc/Document/NEE2037A006A811E6BF24C8A7F6301815?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/NEE2037A006A811E6BF24C8A7F6301815?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

§ 6-327. Unlicensed out-of-state sale of alcoholic beverages

Prohibited

(a)(1) A person in the business of selling or distributing alcoholic beverages in or from another state may not ship, cause to be shipped, or deliver alcoholic beverages directly to a recipient in the State if the seller, distributor, shipper, transporter, or recipient does not hold the required license or permit.

(2) The prohibition under paragraph (1) of this subsection applies to alcoholic beverages ordered or purchased through a computer network.

Penalty

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

Link:

[https://govt.westlaw.com/mdc/Document/N2C8746002D8211E6BDB8F71DBFB0E872?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/N2C8746002D8211E6BDB8F71DBFB0E872?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Citation (COVID-19)

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND NUMBER 20-05-29-01 AMENDING AND RESTATING ORDER NO. 20-03-19-02, ENABLING ALTERNATIVE ALCOHOL SERVICES

III. State-licensed manufacturers of alcohol may:

b. directly ship alcohol to consumers upon request, provided that the Comptroller has given authorization after determining that:

- i. the shipment can be completed safely using a common carrier in accordance with other applicable law; and
- ii. all applicable sales and excise taxes are paid.

IV. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

Link:

[https://static1.squarespace.com/static/5ae22b0d96e76f148e343642/t/5ed1653f108e5978fb3b5b98/1590781247609/Alcohol Services-AMENDED-5.29.20.pdf](https://static1.squarespace.com/static/5ae22b0d96e76f148e343642/t/5ed1653f108e5978fb3b5b98/1590781247609/Alcohol+Services-AMENDED-5.29.20.pdf)

Comptroller of Maryland, Bulletin AB – 70



2. Upon receipt of an Emergency Authorization for Direct-to-Consumer Alcohol Shipments from the Comptroller of Maryland, the authorized Manufacturer must:

- a. Sell **ONLY THE LICENSEE'S OWN MANUFACTURED ALCOHOL PRODUCTS** through delivery by the holder of a common carrier permit to a Maryland consumer by receiving and filling orders that the consumer transmits by electronic or other means;
- b. Verify at point-of-sale (via third-party age verification technology) **AND** point-of-delivery (via coordination with common carrier) that they will only sell alcoholic beverages to consumers who are at least 21 years of age, are a resident of Maryland, and who intend to purchase said alcohol for personal consumption only and not for resale or other commercial purposes;
- c. Ensure that all containers of alcohol shipped directly to a consumer in the State are conspicuously labeled with: (i) The **LICENSE OR PERMIT TYPE and NUMBER** indicated on the valid Maryland license; (ii) The name and address of the consumer who is the intended recipient; and (iii) The words "Contains Alcohol: Signature of Person at Least 21 Years of Age Required for Delivery;"
- d. Collect and remit sales tax and alcoholic beverage tax due on sales to consumers in Maryland, and file a quarterly alcoholic beverage tax return and a quarterly sales and use tax return with the Comptroller of Maryland that states the total amount of alcohol, by type, shipped direct-to consumers, the price charged, and the name and address of each purchaser;
- e. Maintain, for a period of 3 years, the complete and accurate records of all information needed to verify compliance;
- f. Allow the Comptroller to perform an audit of direct-to-consumer alcohol sales records on request;
- g. Consent to the jurisdiction of the Comptroller of Maryland or other State unit and the State courts concerning enforcement of the Emergency Authorization for Direct-to-Consumer Alcohol Shipments and any related law.

Link:

https://interactive.marylandtaxes.gov/forms/Tax_Publications/Tax_Bulletins/Alcohol_Tax_Bulletins/bl_ab70.pdf

MASSACHUSETTS

Shipment Outbound – Yes, if permitted by purchaser's applicable laws (M.G.L. c. 138 § 19(a)).

Shipment Inbound – No, MA only provides licenses to out-of-state wineries to do so (M.G.L. c. 138 § 19(a)).

Shipment Intra-state – No, only in-state farmer wineries are licensed to do so (M.G. L. c. 138 § 19(a)). A manufacturer may sell for on-premises consumption if licensed under M.G.L. c. 138, § 19(b). Farmer-distillery licensees can only sell to customers at their premises either for on or off-premises consumption, depending on the licenses obtained (M.G. L. c. 138 § 19E(h)(7); § 19H).

COVID-19 Measures – Effective 07/21/20, until the end of the state of emergency, or 02/28/21, whichever comes later, all on-premises licensees licensed for the sale of all alcoholic beverages or cordials (including § 19E(o) farmer-distilleries with pouring permits and all-alcohol § 19(b) manufacturers with pouring permits) may sell mixed drinks in sealed containers to consumers who are at least 21 years of age for off-premises consumption. Each customer is limited to no more than 64 fluid ounces of mixed drinks per transaction. If the mixed drink is to be transported by a motor vehicle, either by delivery or pick-up, the driver of must transport the mixed drink in the trunk of the motor vehicle or in another area not considered the passenger area. Licensees do not need to obtain a separate transportation permit under M.G.L. c. 138, § 22, in order to make deliveries. All sales must be accompanied by a receipt reflecting the purchase of food along with alcohol, and licensees must keep copies of all receipts for inspection by licensing authorities. The sale of mixed drinks may only be done from opening until 12:00 am midnight, or the licensee's closing time previously approved by the local licensing authority, whichever is earlier. As of May 29, 2021, all COVID-19 Orders are rescinded in full. S. Current as of July 2021



2475, signed and enacted into law on June 16, 2021, allows an establishment licensed to sell alcoholic beverages for on-premises consumption to continue to sell mixed-drinks for off-premises consumption until May 1, 2022.

An Act to Expand Take-Out/Delivery Options in Response to COVID-19 Link:

<https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter118>

Order Terminating State of Emergency Link:

https://archives.lib.state.ma.us/bitstream/handle/2452/844476/on1145855957-2021-05-28_order_terminating_state_of_emergency.pdf?sequence=3&isAllowed=y

S. 2475 PDF Link: <https://malegislature.gov/Bills/192/S2475.pdf>

Citation (shipment)

Massachusetts General Law Chapter 138

Section 19: Licenses to manufacture alcoholic beverages; sale by manufacturer; blending of alcoholic beverages; marks to identify manufacturer; records of manufacturer; fees

Section 19. (a) ...Manufacturers of such beverages may sell the same to any licensee holding a valid license granted by the licensing authorities for the sale within the commonwealth in accordance with the provisions of this chapter, and may also sell such beverages for export from this commonwealth into any state where the sale of the same is not by law prohibited, and into any foreign country; and manufacturers of such beverages may sell the same to any registered pharmacist holding a certificate of fitness under section thirty and also as authorized by section twenty-eight.

(b) Notwithstanding section 17, a local licensing authority, subject to the approval of the commission, may grant a license to sell alcoholic beverages for consumption on a manufacturer's premises to a manufacturer authorized to manufacture alcoholic beverages pursuant to this section; provided, however, that such a licensee may sell alcoholic beverages produced by the manufacturer for on-premises consumption.

Link: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter138/Section19>

Section 19E: Farmer-distillery licenses; applicants; requirements; evidentiary hearings; written notice of applications; schools and churches; fees

Section 19E. ... (h) A holder of a farmer-distillery license may sell distilled products:—

(1) at wholesale to a person holding a valid license to manufacture alcoholic beverages under section 19;

(2) at wholesale to a person holding a valid license as a wholesaler and importer under section 18;

(3) at wholesale to a person holding a valid farmer-distillery license under this section;

(4) at wholesale in kegs, casks, barrels and bottles to a person holding a license to sell under section 12, 13 or 14 and, for the sole purpose of resale in containers in which the distilled product was delivered, to a person holding a license to sell under section 15; provided, however, that the total annual sales to sections 12, 13, 14 and 15 licensees shall not exceed 50,000 gallons;

(7) at retail by the bottle to consumers for consumption off the farmer-distillery premises;

(8) at wholesale to a person in a state or territory in which the importation and sale of distilled products is not prohibited by law; and

(9) at wholesale to a person in a foreign country.

(i) A farmer-distiller may not sell at retail to consumers a distilled product not produced by the farmer-distillery or produced for the farmer-distillery and sold under the farmer-distillery brand name. All retail sales shall be made on the farmer-distillery premises.



(o) Notwithstanding section 17, a local licensing authority, subject to the approval of the commission, may grant a license to sell distilled spirits for consumption on the premises at any location it deems reasonable and proper, and approves in writing, on the grounds of a farmer-distillery licensed under this section and on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such farmer-distillery; provided, however, that such licensees may sell for on-premises consumption only distilled spirits produced by the distillery or produced for the distillery and sold under the distillery brand name. All the procedures under section 15A of this chapter shall apply to the granting of a license under this subsection.

Link: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter138/Section19E>

Section 19H: License to sell for on-premises consumption alcoholic beverages produced by person holding Sec. 19B, 19C or 19E license

Section 19H. Notwithstanding section 17, a local licensing authority, subject to the approval of the commission, may grant a license under this section to any person that holds any combination of a farmer-winery license under section 19B, a farmer brewery license under section 19C or a farmer-distillery license under section 19E, may be granted a license under this section to sell, for on-premises consumption, any alcoholic beverages produced by its said section 19B, 19C or 19E license or produced for the said section 19B, 19C or 19E licensee and sold under the licensee's brand name, on any of its premises licensed under said section 19B, 19C or 19E, and on the grounds of the farm operated as appurtenant and contiguous to, and in conjunction with, such premises; provided, however, that these premises are operated appurtenant and contiguous to each other.

Link: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter138/Section19H>

MICHIGAN

Shipment Outbound – Silent.

Shipment Inbound – No, all spirits must originally be purchased by and imported into MI by the commission (MCL 436.1203).

Shipment Intra-state – No, distillers and small distillers may sell to consumers at their premises for on or off-premises consumption with the appropriate permits.

COVID-19 Measures – A manufacturer licensee with an approved tasting room permit or license may deliver liquor in a qualified container to a customer using only its own employees.

The following license types may sell alcoholic liquor (beer, wine, mixed spirit drink, or spirits) in original, unopened containers to customers for consumption off the premises:

- Small Distiller license Distiller/Manufacturer of Spirits license
- Any combination of manufacturer licenses with On-Premises Tasting Room Permit:
 - o Small Distiller license
 - o Distiller/Manufacturer of Spirits license
 - o Mixed Spirit Drink Manufacturer license
- Off-Premises Tasting Room license
- Joint Off-Premises Tasting Room license

S.B. 0141, signed and enacted into law on May 26, 2021, allows a qualified retailer that holds a specially designated merchant license to use a common carrier to deliver mixed spirit drinks to a consumer in Michigan. The bill also allows a qualified retailer that holds a specially designated distributor license to use a common carrier to deliver spirits to a consumer in Michigan.



Alcoholic Liquor To Go / For Delivery Link:

https://www.michigan.gov/documents/lara/alcohol_to_go_695532_7.pdf

S.B. 0141 Link:

<http://www.legislature.mi.gov/documents/2021-2022/publicact/htm/2021-PA-0016.htm>

Citation (shipment)

Michigan Compiled Laws

436.1203.amended Sale, delivery, or importation of alcoholic liquor or wine; duties of direct shipper of wine; common carrier; verification that individual accepting delivery is 21 years of age or older; original purchase and importation into state of spirits for sale, use, storage, or distribution; requirements; exceptions; direct shipper license required; application; fee; violation; delivery of beer and wine to home or designated location of consumer; holder of specially designated merchant license; sale or delivery of spirits by qualified small distiller requirements; delivery or sale of beer, wine, mixed spirit drink, or spirits by third party facilitator; reports; retention of books, records, and documents; disclosure; definitions.

(1) Except as provided in this section and section 301, a person shall not sell, deliver, or import alcoholic liquor, including alcoholic liquor for personal use, in this state unless the sale, delivery, or importation is made by the commission, the commission's authorized agent or distributor, an authorized distribution agent approved by order of the commission, a person licensed by the commission, or by prior written order of the commission.

(7) All spirits for sale, use, storage, or distribution in this state must originally be purchased by and imported into the state by the commission, or by prior written authority of the commission.

Link:

[http://www.legislature.mi.gov/\(S\(arlw5jksppmkdkwdqdd54khh\)\)/mileg.aspx?page=getobject&objectname=mcl-436-1203-amended](http://www.legislature.mi.gov/(S(arlw5jksppmkdkwdqdd54khh))/mileg.aspx?page=getobject&objectname=mcl-436-1203-amended)

436.1534. Small distiller license.

(1) Upon application in a manner acceptable to the commission and payment of the appropriate license fee, the commission shall issue a small distiller license to a person annually manufacturing in this state spirits in an amount not exceeding 60,000 gallons, of all brands combined.

(2) A small distiller may have an approved tasting room and sell at retail in accordance with sections 536 and 537.

(3) This section does not allow the sale of spirits transacted or caused to be transacted by means of any mail order, internet, telephone, computer, device, or other electronic means.

Link:

[http://www.legislature.mi.gov/\(S\(ofhfmmorkl3a3zqmgnvcpxjk\)\)/mileg.aspx?page=getObject&objectName=mcl-436-1534](http://www.legislature.mi.gov/(S(ofhfmmorkl3a3zqmgnvcpxjk))/mileg.aspx?page=getObject&objectName=mcl-436-1534)

MINNESOTA

Shipment Outbound – Silent.

Shipment Inbound – No, all alcohol must be shipped to a licensed wholesaler's warehouse (Minn. Stat. 340A.3021).

Shipment Intra-state – No, microdistilleries may be issued a license to sell alcohol for off-premises consumption (Minn. Stat. 340A.22).

COVID-19 Measures – Places of Public Accommodation, including micro distiller cocktail rooms, are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or

Current as of July 2021



drive-up service. Establishments are encouraged to continue utilizing these precautions to mitigate the potential transmission of COVID-19 even after June 10. Although distilleries and micro distiller cocktail rooms may provide indoor and outdoor service if they adhere to the applicable guidance available on the Stay Safe Minnesota website, Emergency Executive Order 21-11, signed on March 12, 2021, encourages Places of Public Accommodation to continue to offer food and beverages using delivery services, window service, walk-up service, drive-through service, or drive-up service.

Emergency Executive Order 20-74 Link:

https://mn.gov/governor/assets/EO%2020-74%20Final_tcm1055-437539.pdf (June 5, 2020)

Emergency Executive Order 21-11 Link:

https://mn.gov/governor/assets/EO%2021-11%20Final_tcm1055-472034.pdf (March 12, 2021)

Citation (shipment)

Minnesota Statutes

340A.22 MICRODISTILLERIES.

Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing authority for off-sale of distilled spirits, with the approval of the commissioner. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site, subject to the following requirements:

- (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and
- (2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

Link: <https://www.revisor.mn.gov/statutes/cite/340A.22>

340A.3021 IMPORTATION RESTRICTIONS.

Subdivision 1. **Delivery to wholesaler only.** (a) No person may consign, ship, or deliver alcoholic beverages to any place in Minnesota except to a licensed wholesaler's warehouse, if the alcoholic beverages:

- (1) were manufactured outside Minnesota; and
 - (2) have not previously been unloaded into a licensed wholesaler's warehouse in Minnesota.
- (b) No person may ship or consign into Minnesota any alcoholic beverages manufactured outside the state unless the alcoholic beverages are continuously in the possession of a motor carrier of property as defined in section 221.012, subdivision 27, or a common carrier as defined in section 218.011, subdivision 10, or are carried in a motor vehicle owned, leased, or rented by a wholesaler licensed under this chapter, between the time the alcoholic beverages are introduced into Minnesota and the time they are unloaded into a licensed wholesaler's warehouse.

Link: <https://www.revisor.mn.gov/statutes/cite/340A.22>

MISSISSIPPI

Shipment Outbound – Yes, if allowed by the purchaser's applicable laws (Miss. Code Ann. § 67-1-51(1)(a)).

Shipment Inbound – No, all liquor must be sold to the Department of Revenue (Miss. Code Ann. § 67-1-45).

Shipment Intra-state – No, all liquor must either be sold to the Department of Revenue or at a manufacturer's licensed premises with a distillery retailer's permit (Miss. Code Ann. § 67-1-45; § 67-1-51(1)(q)).

COVID-19 Measures – The MI Department of Revenue amended the Administrative Code to allow customers to submit orders and pay liquor retailers by telephone or internet, and allow liquor retailers to provide on-premises Current as of July 2021



curbside delivery during a state of emergency. This amendment, however, is limited to package retailers. H.B. 1135, signed and enacted into law on April 14, 2021, authorizes a holder of a package retailer's permit, an on-premises retailer's permit, or a beer, light wine and light spirit product permit to apply for a delivery service permit to deliver any alcoholic beverage, beer, light wine or light spirit product to a consumer who is at least 21 years of age in Mississippi no more than 30 miles from the retailer's licensed premises. A delivery may be made by an employee of the holder of a delivery service permit or an independent contractor.

Link:

<http://billstatus.ls.state.ms.us/documents/2021/html/HB/1100-1199/HB1135SG.htm>

Citation (shipment)

Mississippi Code Annotated

§ 67-1-45. Selling alcoholic beverages to another source.

No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity.

Link: [Miss. Code Ann. § 67-1-45](#)

§ 67-1-51. Issuance of permit; distance restrictions; prohibition against multiple package retailer permits.

(1) Permits which may be issued by the department shall be as follows:

(a) Manufacturer's permit. A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

(q) Distillery retailer's permit. The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.

The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the



holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

Link: [Miss. Code Ann. § 67-1-51](#)

MISSOURI

Shipment Outbound – Silent.

Shipment Inbound – No, direct shipments are only allowed for wine manufacturers.

Shipment Intra-state – No, a distillery must sell liquors through a licensed MO wholesaler or on its premises to consumers with the appropriate license (RSMo. § 311.180(3); § 311.070(1)).

COVID-19 Measures – During the state of emergency, the ATC is temporarily allowing retailer-packaged alcohol beverages under certain conditions:

The alcohol container must be durable, leakproof, and sealable, and must meet the minimum size requirements outlined in the Code of State Regulations [11 CSR 70-2.010(5)];

The customer must have ordered and purchased a meal simultaneous with the liquor purchase;

The licensee must provide the customer with a dated receipt for the alcohol beverage(s); and

The sealed alcohol container must either be:

Placed in a one-time-use, tamperproof, transparent bag which must be securely sealed, or;

The container opening must be sealed with tamperproof tape.

The governor has extended the state of emergency until August 31, 2021.

Emergency Waiver - Retailer-Packaged Alcohol Link:

<https://atc.dps.mo.gov/IndustryCircular/circular-retailer-packaged-alcohol-3-29-2021.pdf>

Executive Order 21-07 Link:

<https://www.sos.mo.gov/library/reference/orders/2021/eo7>

Citation (shipment)

Missouri Revisor of Statutes

311.180. Manufacturers, wholesalers, solicitors — license fees — wholesalers, sale to gaming commission licensees, allowed. — 1. No person, partnership, association of persons or corporation shall manufacture, distill, blend, sell or offer for sale intoxicating liquor within this state at wholesale or retail, or solicit orders for the sale of intoxicating liquor within this state without procuring a license from the supervisor of alcohol and tobacco control authorizing them so to do. For such license there shall be paid to and collected by the director of revenue annual charges as follows:

(3) For the privilege of manufacturing, distilling or blending intoxicating liquor of all kinds within this state and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of four hundred and fifty dollars;

2. Solicitors, manufacturers and blenders of intoxicating liquor shall not be required to take out a merchant's license for the sale of their products at the place of manufacture or in quantities of not less than one gallon.

Link: <https://revisor.mo.gov/main/OneSection.aspx?section=311.180&bid=16589>



311.070. Financial interest in retail businesses by certain licensees prohibited, exceptions — penalties — definitions — activities permitted between wholesalers and licensees — certain contracts unenforceable — installation of nonrefrigeration dispensing accessories — contributions to certain organizations permitted, when — sale of Missouri wines only, license issued, when. — 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retailer dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of alcohol and tobacco control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and 1:30 a.m., Monday through Saturday and between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095.

Link: <https://revisor.mo.gov/main/OneSection.aspx?section=311.070&bid=49620&hl=>

MONTANA

Shipment Outbound – Yes (Mont. Code Ann. § 16-4-311(1)).

Shipment Inbound – No, spirits are sold in state agency franchised stores (except for micro-distilleries, see below).

Shipment Intra-state – No, distilleries must sell to the MT Department of Revenue. Microdistilleries may sell liquor that it produces at retail at the distillery directly to the consumer for off-premises consumption if: (i) not more than 1.75 liters a day is sold to an individual; and (ii) the minimum retail price as determined by the department is charged (Mont. Code Ann. § 16-4-312; ARM 42.13.802(5)(f)).

COVID-19 Measures – The governor's March 24 directive allowed distilleries to provide delivery, takeout, and drive-up options. Customers may order and pay by telephone or online from a MT manufacturer. Delivery must be conducted by the licensee's employees over the age of 21 and age of the purchaser and recipient must be verified at the time of delivery. The purchased alcohol must be hand-delivered to the purchaser. This remains in effect until the end of the state of emergency, unless rescinded earlier. The governor lifted Montana's state of emergency on June 30, 2021. H.B. 226, signed and enacted into law on April 14, 2021, allows a domestic distillery to offer curbside pickup during normal business hours and within 300 feet of the licensed premises, including a drive-through window. Curbside pickup does not include delivery to residences or other businesses. A microdistillery can sell liquor that it produces at retail at the distillery in original packaging between 8 a.m. and 2 a.m. directly to a consumer for off-premises consumption, including curbside pickup subject to the following:

- No more than 1.75 liters of liquor can be sold to a consumer each day
- The minimum retail price determined by the department is charged

Executive Order Rescinding State of Emergency Link:

<https://governor.mt.gov/EO-10-2021-Rescinding-Emergency-Order.pdf>

H.B. 226 Link: https://leg.mt.gov/bills/2021/HB0299/HB0226_X.pdf

Citation (shipment)

Current as of July 2021



Montana Code Annotated

§ 16-4-311. Distillery license. (1) The department may, upon receipt of an application, issue a distillery license to a person who is authorized under the provisions of the Federal Alcohol Administration Act, 27 U.S.C. 201 through 212, to distill, rectify, bottle, and process liquor. A licensee may import, manufacture, distill, rectify, blend, denature, and store spirits of an alcoholic content greater than 0.5% alcohol by volume for sale to the department or as provided in 16-4-312 and may transport the liquor out of this state for sale outside this state. Distillery licensees must be permitted to purchase, from and through the department, alcoholic beverages for blending and manufacturing purposes upon terms and conditions that the department may provide. A licensee may not sell any alcoholic beverage within this state except to the department or as provided in 16-4-312.

Link:

https://leg.mt.gov/bills/mca/title_0160/chapter_0040/part_0030/section_0110/0160-0040-0030-0110.html

§ 16-4-312. Domestic distillery. (1) A distillery located in Montana and licensed pursuant to 16-4-311 may:

- (a) import necessary products in bulk;
 - (b) bottle, produce, blend, store, transport, or export liquor that it produces;
 - (c) perform those operations that are permitted for bonded distillery premises under applicable regulations of the United States department of the treasury.
- (2) (a) A distillery that is located in Montana and licensed pursuant to 16-4-311 shall sell liquor to the department under this code, and the department shall include the distillery's liquor as a listed product.
- (b) The distillery may use a common carrier for delivery of the liquor to the department.
- (c) A distillery that produces liquor within the state under this subsection (2) shall maintain records of all sales and shipments. The distillery shall furnish monthly and other reports concerning quantities and prices of liquor that it ships to the department and other information that the department may determine to be necessary to ensure that distribution of liquor within this state conforms to the requirements of this code.
- (3) A microdistillery may:
- (a) provide, with or without charge, not more than 2 ounces of liquor that it produces at the microdistillery to consumers for consumption on the premises between 10 a.m. and 8 p.m. A microdistillery may not sell or give more than 2 ounces of liquor to an individual for on-premises consumption during a business day.
 - (b) sell liquor that it produces at retail at the distillery directly to the consumer for off-premises consumption if:
 - (i) not more than 1.75 liters a day is sold to an individual; and
 - (ii) the minimum retail price as determined by the department is charged.

Link:

https://leg.mt.gov/bills/mca/title_0160/chapter_0040/part_0030/section_0120/0160-0040-0030-0120.html

Administrative Rules of Montana

42.13.802 DISTILLERY - CONDITIONS FOR OPERATING

- (2) A license to operate a distillery is not a retail license.
- (4) In addition to all other requirements, a microdistillery that operates a sample room shall:
 - (a) refrain from providing alcoholic beverages to consumers for on-premises consumption until a sample room is approved by the department;
 - (b) prevent the consumption or possession of alcoholic beverages outside of an approved sample room and any approved patio/deck;
 - (c) prevent the consumption or possession of alcoholic beverages on the premises between 8 p.m. and 10 a.m. by removing all alcoholic beverages other than those purchased in original packaging for off-premises consumption from individuals' possession by 8 p.m.; and

Current as of July 2021



(d) regardless of the liquor product's alcohol content, provide no more than a combined total of 2 ounces of liquor products approved for labeling or exempt from labeling for on-premises consumption to any individual during a business day.

(5) In addition to all other requirements, a microdistillery that conducts off-premises sales shall:

(a) not sell alcoholic beverages through a drive-up window;

(b) sell alcoholic beverages only in original packaging;

(c) sell alcoholic beverages only in an approved sample room;

(d) sell no more than 1.75 liters of liquor product approved for labeling or exempt from labeling in one day to an individual;

(e) sell alcoholic beverages for off-premises consumption only between 8 a.m. and 2 a.m.; and

(f) deliver alcoholic beverages only to the department or an agency liquor store; the delivery of alcoholic beverages to consumers off-site is prohibited.

Link: <https://rules.mt.gov/gateway/RuleNo.asp?RN=42%2E13%2E802>

NEBRASKA

Shipment Outbound – Yes, if permitted by the purchaser's applicable law (NE R.S. § 53-123.01).

Shipment Inbound – Yes, with a shipping license (NE R.S. § 53-123.15(4)).

Shipment Intra-state – Yes, with a shipping license (NE R.S. § 53-123.15(2)).

COVID-19 Measures – Nebraska waived the requirement which mandates that alcohol be sold in original packages to allow pre-made cocktails to be sold as long as the containers are sealed with a lid or other method of securing the product. L.B. 274, signed and enacted into law on May 26, 2021, allows the holder of a Class C liquor license and the holder of a Class I liquor license to sell alcoholic liquor as a mixed drink or cocktail, instead of selling liquor in its original package, to a consumer who is at least 21 years of age for consumption off the licensed premises if the liquor is not partially consumed and in a labeled and sealed container with a tamper-evident lid, cap, or seal.

Industry Advisory - Retail Operations Link:

<https://lcc.nebraska.gov/sites/lcc.nebraska.gov/files/Industry%20Advisory%20-%20Retail%20Operations.pdf>

L.B. 274 Link: <https://nebraskalegislature.gov/FloorDocs/107/PDF/Slip/LB274.pdf>

Citation (shipment)

Nebraska Revised Statutes

§ 53-123.01. Manufacturer's license; rights of licensee; craft brewery license holder; when required to obtain manufacturer's license; rights of holder.

(1) A manufacturer's license shall allow the manufacture, storage, and sale of alcoholic liquor to wholesale licensees in this state and to such persons outside the state as may be permitted by law, except that nothing in the Nebraska Liquor Control Act shall prohibit a manufacturer of beer from distributing tax-paid samples of beer at the premises of a licensed manufacturer for consumption on the premises. A manufacturer's license issued pursuant to this section shall be the only license required by the Nebraska Liquor Control Act for the manufacture and retail sale of beer manufactured on the licensed premises for consumption on the licensed premises.

Link: <https://nebraskalegislature.gov/laws/statutes.php?statute=53-123.01>



§ 53-123.15. Shipping license; when required; rights of licensee; application; contents; violation; disciplinary action; holder of license; duties; report; contents.

(1) No person shall order or receive alcoholic liquor in this state which has been shipped directly to him or her from outside this state by any person other than a holder of a shipping license issued by the commission, except that a licensed wholesaler may receive not more than three gallons of wine in any calendar year from any person who is not a holder of a shipping license.

(2) The commission may issue a shipping license to a manufacturer. Such license shall allow the licensee to ship alcoholic liquor only to a licensed wholesaler. A person who receives a license pursuant to this subsection shall pay the fee required in sections 53-124 and 53-124.01 for a manufacturer's shipping license. Such fee shall be collected by the commission and be remitted to the State Treasurer for credit to the General Fund, except that the fee received for a shipping license issued to a beer manufacturer pursuant to this subsection shall be credited to the Nebraska Beer Industry Promotional Fund.

(4) The commission may issue a shipping license to any manufacturer who sells and ships alcoholic liquor from another state directly to a consumer in this state if the manufacturer satisfies the requirements of subsections (7) through (9) of this section. A manufacturer who receives a license pursuant to this subsection shall pay the fee required in sections 53-124 and 53-124.01 for a manufacture direct sales shipping license. Such fee shall be collected by the commission and remitted to the State Treasurer for credit to the Winery and Grape Producers Promotional Fund.

(7) The application for a shipping license under subsection (4) or (5) of this section shall be in such form as the commission prescribes. The application shall require an applicant which is a manufacturer, a craft brewery, a craft distillery, or a farm winery to identify the brands of alcoholic liquor that the applicant is requesting the authority to ship either into or within Nebraska. For all applicants, unless otherwise provided in this section, the application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers or retailers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees:

(a) To comply with and be bound by sections 53-162 and 53-164.01 in making and filing reports, paying taxes, penalties, and interest, and keeping records;

(b) To permit and be subject to all of the powers granted by section 53-164.01 to the commission or its duly authorized employees or agents for inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States;

(c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers or retailers, the commission may suspend, cancel, or revoke such shipping license for such period of time as it may determine;

(d) That the applicant agrees to notify the commission of any violations in the state in which he or she is domiciled and any violations of the direct shipping laws of any other states. Failure to notify the commission within thirty days after such a violation may result in a hearing before the commission pursuant to which the license may be suspended, canceled, or revoked; and

(e) That the applicant, if a manufacturer, craft brewery, craft distillery, or farm winery, agrees to notify any wholesaler licensed in Nebraska that has been authorized to distribute such brands that the application has been filed for a shipping license. The notice shall be in writing and in a form prescribed by the commission. The commission may adopt and promulgate rules and regulations as it reasonably deems necessary to implement this subdivision, including rules and regulations that permit the holder of a shipping license under this subdivision to amend the shipping license by, among other things, adding or deleting any brands of alcoholic liquor identified in the shipping license.

(8) Any manufacturer or retailer who is granted a shipping license under subsection (4) or (5) of this section shall:



- (a) Only ship the brands of alcoholic liquor identified on the application;
- (b) Only ship alcoholic liquor that is owned by the holder of the shipping license;
- (c) Only ship alcoholic liquor that is properly registered with the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury;
- (d) Not ship any alcoholic liquor products that the manufacturers or wholesalers licensed in Nebraska have voluntarily agreed not to bring into Nebraska at the request of the commission;
- (e) Not ship more than nine liters of alcoholic liquor per month to any person in Nebraska to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale; and
- (f) Cause the direct shipment of alcoholic liquor to be by approved common carrier only. The commission shall adopt and promulgate rules and regulations pursuant to which common carriers may apply for approval to provide common carriage of alcoholic liquor shipped by a holder of a shipping license issued pursuant to subsection (4) or (5) of this section. The rules and regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he or she is at least twenty-one years of age, (ii) the recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the commission, and (iii) the commission-approved common carrier to submit to the commission such information as the commission may prescribe. The commission-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of twenty-one years and refuses to present valid identification. All holders of shipping licenses shipping alcoholic liquor pursuant to this subdivision shall affix a conspicuous notice in sixteen-point type or larger to the outside of each package of alcoholic liquor shipped within or into the State of Nebraska, in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the holder of the shipping license shall be liable only for their independent acts.
- (9) For purposes of sections 53-160, 77-2703, and 77-27,142, each shipment of alcoholic liquor by the holder of a shipping license under subsection (3), (4), or (5) of this section shall constitute a sale in Nebraska by establishing a nexus in the state. The holder of the shipping license shall collect all the taxes due to the State of Nebraska and any political subdivision and remit any excise taxes monthly to the commission and any sales taxes to the Department of Revenue.

Link: <https://nebraskalegislature.gov/laws/statutes.php?statute=53-123.15>

NEVADA

Shipment Outbound – Yes, craft distilleries may export to another state not more than a combined total of 40,000 cases of spirits at all the craft distilleries the person operates, and estate distilleries are limited to 400,000 cases (NRS 597.235(2)(c); NRS 597.237(2)(d)).

Shipment Inbound – No, however, licensed individuals can import one gallon per month of spirits for personal use and the out-of-state supplier must pay excise tax (NRS 369.490; NRS 369.462).

Shipment Intra-state – No, craft and estate distilleries may only sell at their premises their product at retail for consumption on or off the premises (NRS 597.235(e); NRS 597.237(f)).

COVID-19 Measures – While delivery privileges have concerned restaurants, breweries and wineries, no explicit relief for distilleries has been addressed.

Citation (shipment)

Nevada Revised Statutes



NRS 369.490 Unlawful possession, sale or transportation of liquor; exceptions.

1. Except as otherwise provided in subsection 2 and NRS 369.176, a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

- (a) Has complied fully with the provisions of this chapter; and
- (b) Holds an appropriate, valid license, permit or certificate issued by the Department.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

- (a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;
- (b) Who imports 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;
- (c) Who:
 - (1) Is a resident of this State;
 - (2) Is 21 years of age or older; and
 - (3) Imports 12 cases or less of wine per year for his or her own household or personal use; or
- (d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts liquor shipped into this State pursuant to paragraph (b) or (c) of subsection 2 must be 21 years of age or older.

Link: <https://www.leg.state.nv.us/nrs/nrs-369.html#NRS369Sec490>

NRS 369.462 Payment of tax by supplier.

A supplier who ships liquor into this state pursuant to paragraph (b) or (c) of subsection 2 of NRS 369.490 must pay the excise tax levied pursuant to NRS 369.330.

Link: <https://www.leg.state.nv.us/nrs/nrs-369.html#NRS369Sec462>

NRS 597.235 Operation of craft distillery.

2. A person who operates a craft distillery pursuant to this section may:

- (c) In any calendar year, manufacture for exportation to another state, not more than a combined total of 40,000 cases of spirits at all the craft distilleries the person operates.
- (e) On the premises of the craft distillery, sell the spirits manufactured at the craft distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. Spirits purchased on the premises of a craft distillery must not be resold by the purchaser or any retail liquor store.

Link: <https://www.leg.state.nv.us/nrs/nrs-597.html#NRS597Sec235>

NRS 597.237 Operation of estate distillery. [Effective through September 30, 2025.]

2. A person who operates an estate distillery pursuant to this section may:

- (d) In any calendar year, manufacture for exportation to another state, not more than a combined total of 400,000 cases of spirits at all the estate distilleries the person operates.
- (f) On the premises of the estate distillery, sell the spirits manufactured at the estate distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. The total amount of such spirits sold at retail for off-premises consumption must not exceed 7,500 cases per year. Spirits purchased on the premises of an estate distillery must not be resold by the purchaser or any retail liquor store. A



person who operates an estate distillery shall prominently display on the premises a notice that the resale of spirits purchased on the premises is prohibited.

Link: <https://www.leg.state.nv.us/nrs/nrs-597.html#NRS597Sec237>

NEW HAMPSHIRE

Shipment outbound – No, liquor manufacturers can transport liquor to the state border for transportation and sale outside NH to holders of a US Basic Permit (NH RSA 178:6(VIII)).

Shipment Inbound – Yes, with a direct shipper's permit (NH RSA 178:27; Admin. R. Liq 1100).

Shipment Intra-state – No, a liquor manufacturer license does not allow NH distilleries to ship directly to customers (NH RSA 178:6; conversation with NH's Liquor Commission's Direct Shipping Department).¹⁵

COVID-19 Measures – As a result of the closures of bars and restaurants to consumers, the NH Liquor Commission issued Industry Circular 2020-04 clarifying that on-premises beverage licensees were restricted to carry-out, delivery, curbside, pick up, and drive through only. Although the industry circular mentioned that all provisions would remain in effect until Monday April 6, 2020, the Executive Order it cites (2020-04) was extended until June 11, 2021. S.B. 66, signed and enacted into law on July 13, 2021, allows an on-premises licensee to purchase a restaurant delivery license from the commission. An on-premises licensee in possession of a restaurant delivery license may transport beverages and wines in their original containers for delivery to consumers for personal consumption if the delivery is accompanied by food prepared by the restaurant delivery licensee.

Industry Circular 2020-04 Link:

<https://www.nh.gov/liquor/enforcement/industry/documents/industry-circular-delivery-take-out-2020-04.pdf>

Twenty-first Extension of State of Emergency Declared in Executive Order 2020-04 Link:

<https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2021-10.pdf>

S.B. 66 Link:

http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&txtFormat=html&v=HA&id=1016

Citation (shipment)

New Hampshire Revised Statutes Annotated

178:6 Liquor Manufacturer License. –

III. Each liquor manufacturer shall have the right to sell at retail at its licensed manufacturing facility no more than the equivalent of 3,000 9-liter cases for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No liquor manufacturer shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

VIII. Each liquor manufacturer shall have the right to transport the liquor it manufactures, blends, or bottles in bottles or other closed containers to the state border for transportation and sale outside the state to holders of a United States basic permit issued under the Federal Alcohol Administration Act.

¹⁵ S.B. 125, passed on July 1, 2021, allows a business licensed as a beverage manufacturer, nano brewery, brew pub, wine manufacturer, liquor manufacturer, or beverage distributor to apply for a direct to consumer shipping permit from the commission, which authorizes the sale and delivery of alcohol beverages to a consumer who is at least 21 years of age. A liquor manufacturer may not ship more than 60 individual containers of not more than one liter each of liquor to any consumer in New Hampshire in a year. All shipments must be made by a licensed carrier as defined in RSA 178:14.

Link: http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&txtFormat=html&v=HA&id=891

Current as of July 2021



Link: <http://www.gencourt.state.nh.us/rsa/html/xiii/178/178-6.htm>

178:27 Direct Shippers. –

I. (a) Notwithstanding any other provision of law to the contrary, any person currently licensed in its state of domicile as a wine manufacturer, beverage manufacturer, importer, wholesaler, or retailer shall apply for a direct shipper permit from the commission.

(b) Applicants for a direct shipper permit shall be exempt from the provision of RSA 178:1, I requiring registration with the secretary of state, if the applicant is duly organized and registered to do business under the laws of the state in which the applicant is domiciled.

II. A direct shipper may ship directly to New Hampshire consumers over 21 years of age or licensees in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments from direct shippers into the state shall be made by a licensed carrier and such carriers are required to obtain an adult signature. Direct shippers or carriers shall not ship into areas of the state where alcohol beverages may not be lawfully sold. Liquor and wine that has been registered for sale to the commission with the commission during the previous 2 months may be direct shipped only if the shipper offers to sell a matching amount to the commission at wholesale. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.

III. Except with written permission of the commission, no direct shipper shall ship more than 60 individual containers of not more than one liter each of liquor and not more than 12 - 9 liter cases or equivalent of wine to any one consumer in New Hampshire in any calendar year. The commission shall only grant permission for additional shipments if the additional shipments are of products not otherwise available in New Hampshire. Furthermore, in the event any direct shipper wishes to ship more than a total of 600 liters of any particular liquor or wine directly to any combination of licensees and/or consumers in New Hampshire, the shipper shall offer to sell a matching amount to the commission or beer distributor at the lower of the wholesale price or the lowest price delivered into New Hampshire. A licensee may purchase from a direct shipper pursuant to RSA 179:32, III.

IV. No direct shipper shall ship more than 27 gallons of beer or beverage in individual containers of not more than one liter to any consumer's address in New Hampshire in any calendar year. No direct shipper shall ship beer or beverage to a New Hampshire licensee.

V. (a) Direct shippers shall file reports for each shipment with the liquor commission, and shall pay a fee of 8 percent of the retail price for shipments of liquor, wine, beer, or beverage to the commission. Such reports shall be filed once per month for any month in which a shipment was made in a manner and form required by the commission and include the following information:

- (1) The total amount of alcoholic beverages shipped into or within the state for the preceding month.
- (2) The names and addresses of the purchasers to whom the alcoholic beverages were shipped.
- (3) The date of purchase, if appropriate, the name of the common carrier used to make each delivery, and the quantity and retail value of each shipment.

(b) The commission may assess a \$250 penalty for failure to report to the commission in a timely manner.

(c) Direct shippers shall maintain records for at least 3 years which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of the direct shippers' filings upon reasonable request. Wholesale shipments of any liquor or wine shall be permitted only in accordance with RSA 175:6.

VI. The liquor commission shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The application procedures and form for the direct shipper permit authorized under paragraph I.
- (b) The signature form or other identification procedures to be used by direct shippers to ensure that consumers to which liquor and beverage are being shipped are over 21 years of age.
- (c) Filings of direct shippers under paragraph V.



VII. Notwithstanding the provisions of RSA 179:58, any person holding a direct shippers permit under this section who ships liquor, wine, or beer to a person under 21 years of age, shall be guilty of a class B felony and shall have such permit permanently revoked.

VIII. Upon notification by authorities in another state which imposes a reciprocal enforcement policy, a New Hampshire licensee proved to be making illegal direct shipments to consumers and licensees in said state shall be subject to action by the liquor commission. Such actions may include fines and suspension and revocation of New Hampshire liquor licenses.

Link:

<http://www.gencourt.state.nh.us/rsa/html/xiii/178/178-27.htm>

CHAPTER Liq 1100 RULES RELATING TO DIRECT SHIPMENT Link:

<https://www.nh.gov/liquor/enforcement/licensing/documents/1100ds-rules.pdf>

NEW JERSEY

Shipment Outbound – Yes, if allowed by the purchaser’s state and local laws (N.J.S.A. 33:1-10, 3a-3d).

Shipment Inbound – No, NJ only allows for wine, cider, or mead to be shipped directly to consumers.¹⁶

Shipment Intra-state – No, distillers must sell their product to wholesalers and retailers. Only craft distillers may to sell their product at retail to consumers on the licensed premises for consumption on the premises, but only in connection with a tour of the distillery, and for consumption off the premises in a quantity of not more than five liters per person (N.J.S.A. 33:1-10, 3a-3d).¹⁷

COVID-19 Measures – Craft distilleries may sell to consumers, for off-premises consumption, distilled alcoholic beverages manufactured on its licensed premises that are mixed or blended with other alcoholic or nonalcoholic beverages in closed and sealed containers. Craft distillery licensees may also sell distilled alcoholic beverages that are manufactured on the licensed premises in original containers accompanied by one or more nonalcoholic beverages or food stuffs (such as fruits, vegetables or other garnishes) that may be combined by the consumer to prepare a mixed drink. Any food stuffs sold pursuant to this provision must be sold only as a mixed drink ingredient and not as a separate meal. Containers, other than original in which any distilled alcoholic beverages are mixed or blended with other alcoholic or nonalcoholic beverages cannot exceed a maximum capacity of 16 fluid ounces, inclusive of ice. Any container must be affixed with a tamper evident seal. This act expires on the

¹⁶ S. 3020, introduced on October 19, 2020, would allow a holder of a valid distillery license in a state other than New Jersey who produces no more than 20,000 gallons of distilled alcoholic beverages per year to ship via common carrier or otherwise no more than twenty liters of distilled spirits per year to a consumer in New Jersey who is at least 21 years of age for personal consumption. The bill is in committee.

Link: https://www.njleg.state.nj.us/2020/Bills/S3500/3020_11.HTM

¹⁷ A. 3167, introduced on February 24, 2020, would allow a holder of a craft distillery license to ship no more than nine liters of distilled spirits per year, subject to regulation, to a consumer in New Jersey who is at least 21 years of age for personal consumption. The bill is in committee.

Link: https://www.njleg.state.nj.us/2020/Bills/A3500/3167_11.HTM

S. 3020, introduced on October 19, 2020, would allow a holder of a craft distillery license to ship no more than twenty liters of distilled spirits to a consumer in New Jersey who is at least 21 years of age for personal consumption via common carrier. The bill is in committee.

Link: https://www.njleg.state.nj.us/2020/Bills/S3500/3020_11.HTM



date of expiration, termination, or rescission of any and all executive or administrative orders establishing coronavirus-related restrictions applicable to licensed premises or the first day of the seventh month following the date on which the Governor declares that the state of emergency has ended, whichever date occurs later. The Governor signed Executive Order No. 244 on June 4, 2021 terminating the Public Health Emergency declared in Executive Order No. 103.

Advisory Notice 2020-06 Link: https://www.state.nj.us/lps/abc/downloads/AN_2020-06.pdf

A. 3966 Link: https://www.njleg.state.nj.us/2020/Bills/A4000/3966_U1.PDF

Executive Order No. 244 Link: <https://nj.gov/infobank/eo/056murphy/pdf/EO-244.pdf>

Citation (shipment)

New Jersey Statutes Annotated

Section: 33:1-10: Class A licenses; subdivisions; fees.

Plenary distillery license. 3a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any distilled alcoholic beverages and rectify, blend, treat and mix, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$12,500.

Limited distillery license. 3b. The holder of this license shall be entitled, subject to rules and regulations, to manufacture and bottle any alcoholic beverages distilled from fruit juices and rectify, blend, treat, mix, compound with wine and add necessary sweetening and flavor to make cordial or liqueur, and to sell and distribute to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution and to warehouse these products. The fee for this license shall be \$3,750.

Supplementary limited distillery license. 3c. The holder of this license shall be entitled, subject to rules and regulations, to bottle and rebottle, in a quantity to be expressed in said license, dependent upon the following fees, alcoholic beverages distilled from fruit juices by such holder pursuant to a prior plenary or limited distillery license, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be graduated as follows: to so bottle and rebottle not more than 5,000 wine gallons per annum, \$313; to so bottle and rebottle not more than 10,000 wine gallons per annum, \$625; to so bottle and rebottle without limit as to amount, \$1,250.

Craft distillery license. 3d. The holder of this license shall be entitled, subject to rules and regulations, to manufacture not more than 20,000 gallons of distilled alcoholic beverages, to rectify, blend, treat and mix distilled alcoholic beverages, to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the distillery for consumption on the premises, but only in connection with a tour of the distillery, and for consumption off the premises in a quantity of not more than five liters per person. In addition, the holder of this license may offer any person not more than three samples per calendar day for sampling purposes only. For the purposes of this subsection, "sampling" means the gratuitous offering of an open container not exceeding one-half ounce serving of distilled alcoholic beverage produced on the distillery premises. Nothing in this subsection shall be deemed to permit the direct shipment of distilled spirits either within or without this State.

The holder of this license shall not sell food or operate a restaurant on the licensed premises. A holder of this license who certifies that not less than 51 percent of the raw materials used in the production of distilled alcoholic beverages under this section are grown in this State or purchased from providers located in this State



may, consistent with all applicable federal laws and regulations, label these distilled alcoholic beverages as "New Jersey Distilled." The fee for this license shall be \$938.

Link: <https://njlaw.rutgers.edu/collections/njstats/showsect.php?title=33&chapter=1§ion=10&actn=getsect>

NEW MEXICO

Shipment Outbound – No, a craft distiller may export, but can only sell to persons holding a wholesaler's, a craft distiller's, or a manufacturer's license (N.M. Stat. § 60-6A-6.1(B)(2);(3)).

Shipment Inbound – No. Manufacturers with a nonresident license may only sell or ship into the state alcohol to NM licensed manufacturers and wholesalers (N.M. Stat. § 60-6A-7(C)).

Shipment Intra-state – No. Craft distilleries are not allowed to ship directly to individuals, they may only sell directly to customers on their premises for off-premise consumption or at no more than three other locations off the craft distiller's premises, after the craft distiller has obtained the appropriate license (N.M. Stat. § 60-6A-6.1(B)(7);(8)).

COVID-19 Measures – Craft distilleries were allowed to remain open for take-out service only. H.B. 0255, signed and enacted into law on March 9, 2021, allows a craft distiller's license holder to obtain an alcoholic beverage delivery permit. A licensee that holds an alcoholic beverage delivery permit may contract with a third-party alcohol delivery service licensed by the department.

Restrictions on Alcohol Sales Pursuant to Department of Health Emergency Order Issued April 6, 2020

Link:

<http://rld.state.nm.us/uploads/files/Alcohol%20and%20Gaming/April%207%20Letter%20Covid.PDF>

H.B. 0255 Link: <https://www.nmlegis.gov/Sessions/21%20Regular/final/HB0255.pdf>

Citation (shipment)

New Mexico Statutes

§ 60-6A-6.1. Craft distiller's license.

A. In any local option district, a person qualified pursuant to the provisions of the Liquor Control Act, except as otherwise provided in the Domestic Winery, Small Brewery and Craft Distillery Act, may apply for and be issued a craft distiller's license subject to the following conditions:

(5) nothing in this section shall prevent a craft distiller from receiving other licenses pursuant to the Liquor Control Act.

B. A person to whom a craft distiller's license is issued pursuant to this section may do any of the following:

(1) manufacture or produce spirituous liquors, including aging, filtering, blending, mixing, flavoring, coloring, bottling and labeling;

(2) store, transport, import or export spirituous liquors;

(3) sell only spirituous liquors that are packaged by or for the craft distiller to a person holding a wholesaler's license, a craft distiller's license or a manufacturer's license;

(7) conduct spirituous liquor tastings and sell, by the glass or by the bottle, or in unbroken packages for consumption off the premises but not for resale, spirituous liquors of the craft distiller's own production or spirituous liquors produced by another New Mexico craft distiller or New Mexico manufacturer on the craft distiller's premises; and

(8) at no more than three other locations off the craft distiller's premises, after the craft distiller has paid the applicable fee for a craft distiller's off-premises permit, after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and department rules for new liquor license locations and after the director has issued a craft distiller's off-premises permit for each off-premises location,

Current as of July 2021



conduct spirituous liquor tastings and sell by the glass, or in unbroken packages for consumption and not for resale, spirituous liquors produced and bottled by or for the craft distiller or spirituous liquors produced and bottled by or for another New Mexico craft distiller or manufacturer.

§ 60-6A-7. Nonresident license.

C. Nonresident licensees may sell, offer for sale or ship into the state alcoholic beverages only to licensed New Mexico manufacturers and wholesalers.

Link to NM Statutes:

https://www.rld.state.nm.us/uploads/FileLinks/78247e84a1c24fb4a463d898a7133117/Liquor_Control_Act_Part_1_101811.pdf

NEW YORK

Shipment Outbound – Yes, if allowed by the importing jurisdiction's laws (NY SLA Distillery Quick Reference).

Shipment Inbound – No, however, a consumer may import up to 90L of liquor per year for personal use without a license (Tax Bulletin AB-275).¹⁸

Shipment intra-state – No, all distillers must sell to licensed permittees and farm distilleries can only sell to customers at the licensed premises (NY Alcoh Bev Ctrl L § 61.2-c.(b)(iii)).¹⁹

COVID-19 Measures – NYSLA released guidance stating that licensees with off premises privileges may deliver alcoholic beverages to a customer using a common carrier. The container must be a closed container or the original, sealed container. The order must include a food item which is consistent with the food requirement of the license (e.g., a manufacturer without an on premises must include finger foods). These privileges expired on June 24, 2021.

Citation (shipment)

New York Alcoholic Beverage Control Law

§ 61. Distiller's licenses.

¹⁸ A. 03275, introduced on January 22, 2021, would allow a holder of a license to manufacture liquor in any other state, who obtains an out-of-state direct shipper's license, to ship via common carrier no more than thirty-six cases (no more than nine liters each case) of liquor produced by such license holder per year directly to a resident of New York who is at least 21 years of age for personal use (subject to limitations). The bill is in committee.

Link:

https://assembly.state.ny.us/leg/?default_fld=&bn=A03275&term=2021&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y#A03275A

¹⁹ A. 03275, introduced on January 22, 2021, would allow a distillery license holder or a farm distillery license holder to ship via common carrier no more than thirty-six cases (no more than nine liters per case) of liquor produced by such distillery or farm distillery per year directly to a New York resident who is at least 21 years of age for personal use. The bill is in committee.

Link:

https://assembly.state.ny.us/leg/?default_fld=&bn=A03275&term=2021&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y#A03275A



2-c. (a) A class D distiller's license, otherwise known as a farm distillery license, shall authorize the holder of such a license to operate a farm distillery at the premises specifically designated in the license:

(i) To manufacture liquor primarily from farm and food products, as defined in subdivision two of section two hundred eighty-two of the agriculture and markets law;

(ii) To put such liquor into containers of not more than one quart each, which containers shall then be sealed and to sell such liquor at wholesale, for resale, and to licensed farm wineries, farm cideries, farm breweries and other farm distilleries, wholesale and retail licensees, and permittees;

(iii) To sell at retail, for personal use, in such sealed containers;

(b)(i) Retail sales by a licensed farm distillery may be made only to customers who are physically present upon the licensed premises and such sale shall be concluded by the customer's taking, with him or her, of the sealed containers purchased by the customer at the time the customer leaves the licensed premises except as provided for in subparagraph (iv) of this paragraph;

(ii) Such retail sales shall not be made where the order is placed by letter, telephone, fax or e-mail, or where the customer otherwise does not place the order while the customer is physically present upon the premises of the licensed premises except as provided for in subparagraph (iv) of this paragraph;

(iii) Such retail sales shall not be made where the contemplated sale requires the licensee to transport or ship by common carrier, sealed containers of liquor to a customer

5. No distiller shall be engaged in any other business on the licensed premises. No distiller shall sell or agree to sell any liquor, alcohol or spirits to any wholesaler or any retailer who is not duly licensed under this article to sell liquor, alcohol or spirits at wholesale or retail at the time of such agreement and sale or sell or agree to sell any liquor, alcohol or spirits to persons outside the state except pursuant to the laws of the place of such sale or delivery.

Link: <https://www.nysenate.gov/legislation/laws/ABC/61>

Distillery Quick Reference

Can I distribute my own products out of state?

Terms of sales and distribution out of state are governed by the laws of the importing jurisdiction.

Link:

<https://sla.ny.gov/system/files/documents/2019/08/Distillery%20Quick%20Reference%20-%20FINAL%20-%208-7-19.pdf>

Filing Requirements for Individuals Who Import Alcoholic Beverages for Personal Use

Tax Bulletin AB-275 (TB-AB 275)

Issue Date: October 16, 2012

Introduction

If you import or cause to be imported beer, wine, or liquor (other than small amounts) into New York State for your personal use, you are responsible for paying New York's excise tax.

As a general rule, you're required to file a tax return and pay excise tax on beer, wine, or liquor you import or cause to be imported into New York State. This bulletin explains the filing requirements that apply to:

- noncommercial importers of beer or wine, and
- individuals who hold a special license to import liquor into New York for personal use.

Special license

You may need to obtain a special license to import liquor for your personal use. A special license allows you to import liquors into New York State without posting a bond. These conditions apply:

- You must have a special license if you're importing between 90 and 360 liters of liquor during a one-year period.
- You must be at least 21 years old to obtain a special license.

Current as of July 2021



To apply for a special license, file Form TP-125, *Application for Temporary License to Import Liquors for Personal Use and Consumption*.

You must pay the alcoholic beverages tax due on any imported liquors.

You may import less than 90 liters of liquor into New York during a one-year period for your personal use without being registered. In this case, use Form MT-39, *Alcoholic Beverages Tax Clearance Return for Tax on Importation of Alcoholic Beverages into New York State for Personal Consumption*, to report and pay the alcoholic beverages tax.

Link: https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/abt/filing_requirements_for_individuals.htm

Citation (COVID-19)

New York State Liquor Authority

Guidance on Restrictions for Licensees and To-Go & Delivery Sales in Response to COVID-19 Outbreak Effective 03/16/2020 – 06/24/2021 (and will not be further extended)

The State Liquor Authority offers the following guidance:

- Any on-premises licensee and any manufacturing licensee with on-premises retail privileges may sell for off-premises consumption any alcoholic beverages that it is able to sell for on premises consumption under the law.
 - For example, a tavern wine licensee may sell beer, wine, cider, mead, and wine product, but not liquor, and a farm winery may sell any New York State labeled wine, beer, cider, mead, or liquor, but not non-New York State products unless it has an on-premises license as well.

Can I deliver alcoholic beverages to a customer using a common carrier (FedEx, UPS, etc.)?

Yes, so long as you have off premises privileges pursuant to the law or guidance and are following the guidance. The container must be a closed container or the original, sealed container. The order must include a food item which is consistent with the food requirement of your license, e.g., a manufacturer without an on premises must include finger foods; a tavern must include soups, sandwiches, or the like, etc. Note again that the guidance does not modify any current privileges to sell for off premises, e.g., an on premises retailer's ability to sell beer without inclusion or food, or a winery's ability to ship direct to consumer without inclusion of food, etc.

Link: <https://sla.ny.gov/Restrictions-in-Response-to-COVID-19>

NORTH CAROLINA

Shipment Outbound – No, NC law allows out-of-state sales at wholesale or retail to private or public agencies or establishments but does not expressly mention individuals (N.C. Gen. Stat. § 18B-1105(a)(2)).²⁰

Shipment Inbound – No, spirits can only be shipped to wholesalers (N.C. Gen. Stat. § 18B-109).

Shipment Intra-state – No, distillers can sell their liquors in closed containers to visitors who tour the distillery for consumption off the premises (N.C. Gen. Stat. § 18B-1105(a)(4)).

²⁰ H.B. 890, introduced on May 4, 2021, would allow a holder of a distillery permit to sell, deliver, and ship spirituous liquor in closed containers to consumers in other states, except that the holder of a distillery permit may not sell, deliver, or ship spirituous liquor to consumers in jurisdictions that require reciprocity in order to allow such sales, deliveries, or shipments. The bill is in committee.

Link: <https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H890v3.pdf>

Current as of July 2021



COVID-19 Measures – No specific measures regarding shipping or delivery were extended to distilleries. Distilleries were allowed to re-open on May 22, 2020 under Phase 2 reopening.

Citation (shipment)

North Carolina General Statutes

§ 18B-109. Direct shipment of alcoholic beverages into State.

a) General Prohibition. – Except as provided in G.S. 18B-1001.1 [Wine shipper permit], no person shall have any alcoholic beverage mailed or shipped to him from outside this State unless he has the appropriate ABC permit.

§ 18B-102.1. Direct shipments from out-of-state prohibited.

(a) It is unlawful for any person who is an out-of-state retail or wholesale dealer in the business of selling alcoholic beverages to ship or cause to be shipped any alcoholic beverage directly to any North Carolina resident who does not hold a valid wholesaler's permit under Article 11 of this Chapter.

§ 18B-1105. Authorization of distillery permit.

(a) The holder of a distillery permit may do any of the following:

(1) Manufacture, purchase, import, possess and transport ingredients and equipment used in the distillation of spirituous liquor.

(2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to exporters and local boards within the State, and, subject to the laws of other jurisdictions, at wholesale or retail to private or public agencies or establishments of other states or nations.

(3) Transport into or out of the distillery the maximum amount of liquor allowed under federal law, if the transportation is related to the distilling process.

(4) Sell spirituous liquor distilled at the distillery in closed containers to visitors who tour the distillery for consumption off the premises. Sales under this subdivision are allowed only in a county where the establishment of a county or municipal ABC store has been approved pursuant to G.S. 18B-602(g) and are subject to the time and day restrictions in G.S. 18B-802. Spirituous liquor sold under this subdivision shall (i) be listed as a code item for sale in the State, (ii) be sold at the price set by the Commission for the code item pursuant to G.S. 18B-804(b), and (iii) have affixed to its bottle any labeling requirements set by law.

Link to Section 18B: https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_18B.html

14B NCAC 15A .2102 Retail Sales At Distillery's Permitted Premises

(d) The distillery permittee shall not sell any bottle of spirituous liquor to a consumer until after the consumer has completed a tour of the distillery.

Link:

<http://reports.oah.state.nc.us/ncac/title%2014b%20-%20public%20safety/chapter%2015%20-%20alcoholic%20beverage%20control%20commission/subchapter%20a/14b%20ncac%2015a%20.2102.pdf>

NORTH DAKOTA

Shipment Outbound – Yes (N.D. Cent. Code § 5-01-19).

Shipment Inbound – Yes, licensed direct shippers may sell 2.38 gallons or less of spirits per month to an individual for personal use and not for resale (N.D. Cent. Code § 5-01-16).



Shipment Intra-state – Yes, domestic distilleries may sell 2.38 gallons or less of spirits per month to an individual for personal use and not for resale (N.D. Cent. Code § 5-01-19).

COVID-19 Measures – North Dakota already allows distillers to ship directly to customers.

Citations (shipment)

North Dakota Century Code

§ 5-01-19. Domestic distillery.

2. A domestic distillery may sell spirits produced by that distillery at on sale or off sale, in retail lots, and not for resale, and may sell or direct ship its spirits to persons inside or outside the state in a manner consistent with the laws of the place of the sale or delivery in total quantities not in excess of twenty-five thousand gallons [94635 liters] in a calendar year. Direct sales within this state are limited to two and thirty-eight hundredths gallons [9 liters] or less per month per person for personal use and not for resale. The packaging must conform with the labeling requirements in section 5-01-16. ... A domestic distillery may not engage in any wholesaling activities. Except as provided by section 5-01-19.1, all sales and deliveries of spirits to any other retail licensed premises in this state may be made only through a licensed North Dakota liquor wholesaler. However, a domestic distillery may sell distilled spirits to a domestic winery if the distilled spirits were produced from products provided to the domestic distillery by the domestic winery. No later than the last business day of a calendar month, a farm distillery that has made sales to a North Dakota wholesaler during the preceding calendar month shall file a report with the tax commissioner reporting those sales.

§ 5-01-16. Direct sale from out-of-state person to consumer – Penalty.

4. The alcoholic beverage transported in violation of this section and the vehicle used in violation of this section are forfeitable property under chapter 29-31.1.

5. This section does not apply to a transaction by a person holding a valid manufacturer's or retailer's license issued by the state of its domicile and if the person obtains a direct shipping license from and on a form prescribed by the tax commissioner before making a shipment. The annual fee for a direct shipping license is fifty dollars. Licensed direct shippers may sell and ship to an individual twenty-one years of age or older 7.13 gallons [27 liters] or less of wine, two hundred eighty-eight fluid ounces [8517.18 milliliters] or less of beer, or 2.38 gallons [9 liters] or less of any other alcoholic beverages per month for personal use and not for resale.

a. A direct shipper shall ship all containers of alcoholic beverages shipped directly to a resident of this state using a licensed alcohol carrier and may cause the alcoholic beverages to be shipped by a licensed logistics company.

b. A direct shipper shall label all containers of alcoholic beverages shipped directly to an individual in this state with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

c. A licensed direct shipper shall report and pay the wholesaler excise tax and retailer sales taxes to the tax commissioner on all alcoholic beverages sold to residents in this state at the rates set forth in sections 5-03-07 and 57-39.6-02. The excise tax reports are due January fifteenth of the year following the year sales and shipments were made. When the fifteenth day of January falls on a Saturday, Sunday, or legal holiday, the due date is the first working day thereafter. The report must provide such detail and be in format as prescribed by the tax commissioner and include the identification of any logistics or fulfillment houses the licensee used for such shipments. The sales and use tax reports are due as set forth in chapter 57-39.6. The sales and use tax reports must be in a format as prescribed by the tax commissioner. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner.

d. All alcoholic beverages that are shipped directly to a resident of this state must be properly registered with the federal alcohol and tobacco tax and trade bureau and must be owned by the licensed direct shipper.



6. A licensed alcohol carrier may ship alcoholic beverages into, out of, or within this state. A licensed alcohol carrier shall pay an annual fee of one hundred dollars and obtain a license on an application form provided by the tax commissioner and subject to any requirements determined by the tax commissioner.

a. A licensed alcohol carrier shall ensure all containers of alcoholic beverages shipped directly to an individual in this state are labeled with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". A licensed alcohol carrier may not deliver alcoholic beverages to a person under twenty-one years of age, or to a person who is or appears to be in an intoxicated state or condition. A licensed alcohol carrier shall obtain valid proof of identity and age before delivery and shall obtain the signature of an adult as a condition of delivery.

b. A licensed alcohol carrier shall maintain records of alcoholic beverages shipped into, out of, or within this state which include the name of the licensed direct shipper, the name of any licensed logistics shipper, the date of each shipment, the recipient's name and address, and an electronic or paper form of signature from the recipient of the alcoholic beverages. A licensed alcohol carrier shall submit a report to the tax commissioner on a monthly basis in the form and format prescribed by the tax commissioner. The report is due on the last day of the month following the month of shipment. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the due date. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner.

c. If the tax commissioner has provided notice to a licensed alcohol carrier that a direct shipper is not licensed, the licensed alcohol carrier must notify the direct shipper that the direct shipper must obtain a direct shipper permit before tendering packages to the licensed alcohol carrier for delivery. Any assessed penalty may be waived by the tax commissioner for good cause upon request by the licensed alcohol carrier.

7. Licensed logistics shippers must obtain a logistics shipping license from the tax commissioner and shall pay an annual fee of one hundred dollars before making or causing a shipment.

a. A licensed logistics shipper shall ensure all containers of alcoholic beverages shipped directly to an individual in this state are labeled with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

b. All containers of alcoholic beverage shipped directly to a resident of this state must be shipped using a licensed alcohol carrier as provided in subsection 6.

c. A licensed logistics shipper shall maintain records of alcoholic beverages shipped which include the license number and name of the licensed direct shipper, the license number and name of the licensed common carrier, the date of each shipment, the quantity and kind of alcohol shipped, and the recipient's name and address for each shipment. A licensed logistics shipper shall submit a report to the tax commissioner on a monthly basis in the form and format prescribed by the tax commissioner. The report is due on the last day of the month following the month of shipment. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the due date. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner.

d. Licensed logistics shippers may not ship alcoholic beverages from unlicensed direct shippers or through unlicensed carriers. For a violation, a licensed logistics shipper is subject to the penalties in subsection 3.

8. The tax commissioner may initiate and maintain an action in a court of competent jurisdiction to enjoin a violation of this section and may request award of all costs and attorney's fees incurred by the state incidental to that action. Upon determination by the tax commissioner that an illegal sale or shipment of alcoholic beverages has been made to a consumer in this state by any person, the tax commissioner may notify both the alcohol and tobacco tax and trade bureau of the United States department of the treasury and the licensing authority for the state in which the person is domiciled that a state law pertaining to the regulation of alcoholic beverages has been violated and may request those agencies to take appropriate action.

Link to Chapter 5-01: <https://www.legis.nd.gov/cencode/t05c01.pdf#nameddest=5-01-19>



Shipment Outbound – Yes (OH Rev. Code Ann. § 4303.04).

Shipment Inbound – No, OH only allows beer or wine to be shipped directly to consumers.

Shipment Intra-state – No, OH only allows beer or wine to be shipped directly to consumers. An A-3a permit holder may only sell on the premises either for on or off-premises consumption. Sales to a personal consumer may occur only by an in-person transaction at the permit premises (OH Rev. Code Ann. § 4303.041).

COVID-19 Measures – Only contract liquor agencies can sell bottles of spirituous liquor to a customer for carryout. However, a permit holder (including A-3a permit holders) or its employees can deliver drinks that are normally offered for on-premises consumption to consumers. A permit holder can work with a licensed H class permit holder to deliver the drinks-to-go on its behalf. A-3a permit holder can now sell a consumer up to three (3) liters of spirituous liquor per day from the permit premises. H.B. 669 makes permanent what is currently allowed under Ohio Liquor Control Commission Rule 80 regarding selling alcoholic drinks to-go that the qualified permit holder normally offers for on premises consumption.

Links:

https://www.com.ohio.gov/documents/DOLC-Rule80StakeholderMessageEdits_finalforwebsite.pdf

https://www.com.ohio.gov/documents/DOLC_Bill669andHB160WhatyouneedtoknowFinal.pdf

https://www.com.ohio.gov/documents/DOLC_LiquorPermitHolderFAQ's.pdf

Citations (shipment)

Ohio Revised Code Annotated

§ 4303.04 A-3 permit.

Permit A-3 may be issued to a manufacturer to manufacture alcohol and spirituous liquor and sell such products to the division of liquor control or to the holders of a like permit or to the holders of A-4 permits for blending or manufacturing purposes; to import alcohol into this state upon such terms as are prescribed by the division; to sell alcohol to manufacturers, hospitals, infirmaries, medical or educational institutions using it for medicinal, mechanical, chemical, or scientific purposes, and to holders of I permits; to import into this state spirituous liquor and wine for blending or other manufacturing purposes; and to export spirituous liquor from this state for sale outside the state.

Link: <https://codes.ohio.gov/ohio-revised-code/section-4303.04>

§ 4303.041 A-3a permit - sales restrictions.

(A) An A-3a permit may be issued to a distiller that manufactures less than one hundred thousand gallons of spirituous liquor per year. An A-3a permit holder may sell to a personal consumer, in sealed containers for consumption off the premises where manufactured, spirituous liquor that the permit holder manufactures, but sales to the personal consumer may occur only by an in-person transaction at the permit premises. The A-3a permit holder shall not ship, send, or use an H permit holder to deliver spirituous liquor to the personal consumer.

"Distiller" means a person in this state who mashes, ferments, distills, and ages spirituous liquor.

(B)(1) Except as otherwise provided in this section, no A-3a permit shall be issued unless the sale of spirituous liquor by the glass for consumption on the premises or by the package for consumption off the premises is authorized in the election precinct in which the A-3a permit is proposed to be located.

(2) Division (B)(1) of this section does not prohibit the issuance of an A-3a permit to an applicant for such a permit who has filed an application with the division of liquor control before March 22, 2012.

(C)(1) An A-3a permit holder may offer for sale tasting samples of spirituous liquor. The A-3a permit holder shall not serve more than four tasting samples of spirituous liquor per person per day. A tasting sample shall not



exceed a quarter ounce. Tasting samples shall be only for the purpose of allowing a purchaser to determine, by tasting only, the quality and character of the spirituous liquor. The tasting samples shall be offered for sale in accordance with rules adopted by the division of liquor control.

(2) An A-3a permit holder shall sell not more than three liters of spirituous liquor per day from the permit premises to the same personal consumer.

An A-3a permit holder may sell spirituous liquor in sealed containers for consumption off the premises where manufactured as an independent contractor under agreement, by virtue of the permit, with the division of liquor control. The price at which the A-3a permit holder shall sell each spirituous liquor product to a personal consumer is to be determined by the division of liquor control. For an A-3a permit holder to purchase and then offer spirituous liquor for retail sale, the spirituous liquor need not first leave the physical possession of the A-3a permit holder to be so registered. The spirituous liquor that the A-3a permit holder buys from the division of liquor control shall be maintained in a separate area of the permit premises for sale to personal consumers. The A-3a permit holder shall sell such spirituous liquor in sealed containers for consumption off the premises where manufactured as an independent contractor by virtue of the permit issued by the division of liquor control, but the permit holder shall not be compensated as provided in division (A)(1) of section 4301.17 of the Revised Code. Each A-3a permit holder shall be subject to audit by the division of liquor control.

(D) The fee for the A-3a permit is two dollars per fifty-gallon barrel.

(E) The holder of an A-3a permit may also exercise the same privileges as the holder of an A-3 permit.

Link: <https://codes.ohio.gov/ohio-revised-code/section-4303.041>

OKLAHOMA

Shipment Outbound – Yes, if allowed by the importing jurisdiction’s laws (Okla. Stat. title 28A-§ 2(B)).

Shipment Inbound – No, manufacturers must sell to OK wholesalers (Okla. Stat. title 28A-§ 2(A)(2)).

Shipment Intra-state – No, manufacturers must sell to OK wholesalers (Okla. Stat. title 28A-§ 2(A)(2)).

COVID-19 Measures – No COVID-19 measures for distilleries were put in place. The authorization (and later codification) of curbside and delivery sales of alcohol concerns retailers, small brewers, and small farm winery license holders.

Links:

<https://www.ok.gov/able/documents/statement%20on%20delivery.pdf>

<https://www.ok.gov/able/documents/Proposed%20Emer%20Rules%20-%20June%2020.pdf>

Citation (shipment)

Oklahoma Statutes

Article 28A - Alcoholic Beverage Laws and Enforcement

§ 2. Enactment of laws by Legislature - Direct shipment of alcoholic beverages - Direct sales of wine

(A)(2). A manufacturer, except a brewer, shall not be permitted to sell alcoholic beverages in this state unless such sales occur through an Oklahoma wholesaler. A manufacturer, except a brewer, or subsidiary of any manufacturer, who markets his or her product solely through a subsidiary or subsidiaries, a distiller, rectifier, bottler, winemaker or importer of alcoholic beverages, bottled or made in a foreign country, either within or without this state, may sell such brands or kinds of alcoholic beverages to any licensed wholesaler who desires



to purchase the same. Provided, if a manufacturer, except a brewer, elects to sell its products to multiple wholesalers, such sales shall be made on the same price basis and without discrimination to each wholesaler;
B. No alcoholic beverage shall be shipped directly to a consumer from a manufacturer within or without the state, unless such shipment has been authorized by law.

Link: <https://www.ok.gov/able/documents/10-1-18%20Constitution.pdf>

OREGON

Shipment Outbound – Yes (ORS 471.230(1)).

Shipment Inbound – No (ORS 471.404).

Shipment Intra-state – Yes, Distillery Retail Agents may deliver distilled spirits manufactured at their distilleries to consumers directly or through an approved for-hire carrier (OLCC 845-015-0141; 845-005-0424).

COVID-19 Measures – The temporary authorizations allowing distillery retail agents or approved for-hire carriers to deliver distilled spirits manufactured at distilleries to consumers directly have been made permanent (see above).

Citation (shipment)

Oregon Revised Statutes

471.230 Distillery license.

(1) A distillery license allows the licensee to import, manufacture, distill, rectify, blend, denature and store distilled liquor, to sell the distilled liquor to the Oregon Liquor Control Commission and to transport the distilled liquor out of this state for sale outside this state. Distillery licensees may purchase and sell distilled liquor from or to another distillery licensee in containers having a capacity greater than one U.S. gallon for blending and manufacturing purposes. A distillery licensee may not sell any alcoholic beverage within this state except to the commission or as provided in this section. However, any agricultural producer or association of agricultural producers or the legal agents of an agricultural producer or association of agricultural producers that manufactures and converts agricultural surpluses, by-products and wastes into denatured ethyl and industrial alcohol for use in the arts and industry are not required to obtain a license from the commission.

(2) If a distillery licensee holds a valid distilled spirits plant basic permit issued by the federal Alcohol and Tobacco Tax and Trade Bureau for the licensed premises, the distillery licensee may:

(c) Apply for appointment by the commission as a distillery retail outlet agent for purposes of retailing distilled liquor at locations where tastings are permitted under paragraph (a) of this subsection or subsection (4)(a) of this section. A distillery retail outlet agent may sell at locations where tastings are allowed under paragraph (a) of this subsection only distilled liquor that is on the list of products approved by the commission for retail sale in Oregon and is manufactured in Oregon by the distillery licensee or by another distillery licensee that uses the same premises as a primary production location or is owned by the same entity as the distillery licensee.

(4) A distillery licensee that holds a special events distillery license may conduct an event on premises designated in the special events distillery license. Except as provided in this subsection, a special events distillery license may be valid for a period not exceeding five days. The commission shall limit the approval of special events distillery licenses for a distillery licensee at the same location to not more than 62 days during a calendar year. A distillery licensee conducting a special event may:

(c) If the distillery licensee has been appointed as a distillery retail outlet agent under subsection (2)(c) of this section, sell distilled liquor in factory-sealed containers for consumption off the licensed premises. A distillery retail outlet agent may sell at a location where tastings are allowed under paragraph (a) of this subsection only distilled liquor that is on the list of products approved by the commission for retail sale in Oregon and is



manufactured in Oregon by the distillery licensee. The distillery retail outlet agent must sell the distilled liquor at the retail price set by the commission for the month of sale.

471.404 Importing liquor without license prohibited; exceptions; fee. (1) Alcoholic liquor may not be imported into this state by any person other than a holder of a brewery, winery, distillery or wholesaler's license, except as follows:

- (a) Alcoholic liquor ordered by and en route to the Oregon Liquor Control Commission, under a certificate of approval issued by the commission.
 - (b) Wines for sacramental purposes according to rules adopted by the commission.
 - (c) Alcoholic liquor that is in transit on a common carrier to a destination outside Oregon.
 - (d) Alcoholic liquor coming into Oregon on a common carrier according to orders placed by a licensed brewery, winery or wholesaler.
 - (e) Grain and ethyl alcohol for scientific, pharmaceutical, manufacturing, mechanical or industrial use, under a certificate of approval issued by the commission.
 - (f) Wine or cider that is sold and transported by the holder of a wine self-distribution permit to a retail licensee that has the endorsement described in ORS 471.274 (5).
 - (g) Malt beverages, wine or cider shipped directly to a resident of this state under a direct shipper permit issued pursuant to ORS 471.282.
- (2) The commission may require importers of alcoholic liquor to pay a reasonable handling fee based on the quantity and type of alcoholic liquor being imported.

Link to Chapter 471: https://www.oregonlegislature.gov/bills_laws/ors/ors471.html

Oregon Liquor Control Commission

845-015-0141 Shipment of Distilled Spirits

- (1) Retail sales agents must follow the Retail Operations Manual when shipping or delivering distilled spirits to a final consumer.
- (2) Distillery retail outlet agents must follow the Distillery Retail Outlet Manual when shipping or delivering distilled spirits to a final consumer.

Link: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=272830>

845-005-0424 Guidelines for Approval of a For-Hire Carrier's Plan for Delivery of Malt Beverages, Wine, Cider or Distilled Spirits

The Commission will evaluate and may approve a for-hire carrier's plan to deliver malt beverages, wine, cider or distilled spirits to a resident of Oregon.

- (1) Delivery to a resident of Oregon. In order to deliver malt beverages, wine, cider or distilled spirits to a resident of Oregon, a for-hire carrier must make application to the Commission upon forms to be furnished by the Commission and receive approval from the Commission before delivering any malt beverages, wine, cider or distilled spirits to a resident of Oregon. The application shall include the for-hire carrier's plan for ensuring that:
 - (a) Only persons age 18 or over will be used to deliver the alcohol to the resident;
 - (b) The person used to deliver the alcohol will verify by inspecting government-issued photo identification that the person receiving the alcohol is at least 21 years of age;
 - (c) The person used to deliver the alcohol will determine that the person receiving the alcohol is not visibly intoxicated;
 - (d) Deliveries of alcohol will be completed in accordance with the hours and allowable delivery locations in OAR 845-006-0392 and OAR 845-006-0396;
 - (e) Any package containing alcohol is conspicuously labeled with the words "Contains alcohol: signature of person age 21 years or older required for delivery" or similar language approved by the Commission; and



(f) Information is collected that must be retained by the for-hire carrier for a minimum of eighteen months from the date of delivering the alcohol. The information may be collected and retained electronically (if the carrier so chooses) and must include:

(A) The date and time the alcohol was delivered to the resident;

(B) The name or information which can be used to determine the name of the person delivering the alcohol to the resident; and

(C) The name, signature, and delivery address of the person receiving the alcohol.

(D) The tradename and licensed or permitted address of the licensee or permittee that sold the alcohol for delivery to the resident.

(2) A for-hire carrier:

(a) Must allow the Commission to audit the carrier's records which are directly related to alcohol deliveries in Oregon upon request and shall make those records available to the Commission in Oregon. The for-hire carrier must make these records available to the Commission no later than 60 days after the Commission sends the notice to the carrier; and

(b) Consents to the jurisdiction of the Commission and the courts of this state for the purpose of enforcing the provisions of this rule and any related laws or rules.

(3) The Commission may suspend, revoke, or refuse its approval of a for-hire carrier's plan if the for-hire carrier fails to follow the plan approved by the Commission or comply with the provisions of this rule. A suspension, revocation, or refusal under this subsection is not subject to the requirements for contested case proceedings under ORS Chapter 183.

Link: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=272826>

PENNSYLVANIA

Shipment Outbound – Silent.

Shipment Inbound – No, however, a consumer may place a special liquor order ("SLO") and the manufacturer must ship the order to a PLCB-operated wine and spirits store. However, delivery may only occur after payment has been forwarded to the PLCB and the PLCB has authorized delivery of the order. The PLCB is permitted to refuse to process, or prohibit the processing of SLOs for items that are substantially similar to items that appear on its monthly price lists or if the PLCB believes demand for the items warrants them being made available generally (See below PA Liquor Control Board information regarding shipping alcohol into PA).

Shipment Intra-state – No, limited distilleries and distilleries have various license options that allow consumers to buy from the distiller, but sales must occur on a licensed premise (47 P.S. § 5-505.4).

COVID-19 Measures – Licensees allowed to sell mixed-drinks on premises were allowed to sell those to-go. As of June 15, 2021 (when the emergency declaration was terminated), pre-pandemic rules apply.²¹ Distilleries/limited distilleries were always allowed to sell their own alcohol for off-premises consumption.

Act 21 of 2020 Link: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2020&sessInd=0&act=21>

What Licensees Should Know About Act 21 of 2020 Link:

<https://www.lcb.pa.gov/Legal/Documents/Act%2021%20of%202020%20PLCB%20FAQs.pdf>

²¹ H.B. 1154, introduced on April 12, 2021, would allow a restaurant licensee, hotel licensee, and distributor licensee to sell ready-to-drink cocktails for off-premises consumption in quantities of not more than one hundred ninety-two fluid ounces in a single sale to a consumer. The bill is in committee.

Link:

<https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billTyp=B&billNbr=1154&pn=1210>

Current as of July 2021



Guidance for Licensees in All Counties Link:

[https://www.lcb.pa.gov/Legal/Documents/Guidance%20for%20all%20Counties%20\(June%2024,%202021\).pdf](https://www.lcb.pa.gov/Legal/Documents/Guidance%20for%20all%20Counties%20(June%2024,%202021).pdf)

Citation (shipment)

Pennsylvania Statutes

47 P.S. § 5-505.4. Limited distilleries and distilleries

(b)(1) The board may issue a limited distillery license that will allow the holder thereof to operate a distillery that shall not exceed production of one hundred thousand (100,000) gallons of distilled liquor per year. The holder of the license may manufacture and sell bottled liquors produced on the licensed premises to the board, to entities licensed by the board and to the public between the hours of nine o'clock antemeridian and twelve o'clock antemeridian Monday through Saturday and Sunday between the hours of nine o'clock antemeridian through eleven o'clock postmeridian so long as a specific code of distilled liquor which is listed for sale as a stock item by the board in State liquor stores may not be offered for sale at a licensed limited distillery location at a price which is lower than that charged by the board and under such conditions and regulations as the board may enforce. The holder of a limited distillery license may not sell a product or a substantially similar product which is listed for sale as a stock item by the board in State Liquor Stores to a licensee at a price which is lower than that charged by the board and under such conditions and regulations as the board may enforce. The holder of a limited distillery license may also sell wine, alcoholic cider and fermented fruit beverages produced by a licensed limited winery, liquor produced by a licensed distillery or limited distillery and malt or brewed beverages produced by a licensed brewery for on premises consumption. The combined sales of wine, malt or brewed beverages and liquor produced by another licensed distillery or limited distillery may not, on a yearly basis, exceed fifty per centum of the on-premises sales of the limited distillery's own sales of liquor for the preceding calendar year: however, if a limited distillery did not operate for an entire calendar year during the preceding year, then its combined sales of wine, malt or brewed beverages and liquor produced by another licensed distillery or limited distillery may not, on a yearly basis, exceed fifty per centum of the on-premises sales of the limited distillery's own liquor for that year.

(2)(i) The holder of a limited distillery license may, separately or in conjunction with other limited distillery licensees, sell bottled liquors produced by the distillery at no more than five (5) board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce to the board, to individuals and to entities licensed by the board.

Further retail sales allowed, please see statute.

Link: [https://govt.westlaw.com/pac/Document/NB22AC99015F911EAB67AB4E65B51823F?viewType=FullText&originationCo%20text=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Document/NB22AC99015F911EAB67AB4E65B51823F?viewType=FullText&originationCo%20text=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

PA Liquor Control Board

Updated 09/2017

RULES WITH REGARD TO SHIPPING ALCOHOL INTO PENNSYLVANIA FROM OTHER STATES

It is unlawful for any person to import alcohol into Pennsylvania except as permitted within the Liquor Code and the PLCB's Regulations. 47 P.S. § 4-491(8), (11). The law provides that:

It shall be unlawful [f]or any person, other than the board or the holder of a sacramental wine license, an importer's license or a direct wine shipper's license, to import any liquor whatsoever into this Commonwealth.

47 P.S. § 4-491 (11).

Current as of July 2021



Therefore, unless the recipient of the liquor falls within one of the four exceptions provided in section 491(11) – the PLCB, a sacramental wine licensee, an importer, or a direct wine shipper – such importation of liquor is illegal.

In addition, liquors and wines not listed for regular sale through the PLCB's wine and spirits stores may be acquired by residents of the Commonwealth (including licensees of the PLCB) via special liquor order ("SLO"). 47 P.S. § 3-305. SLOs may be placed at any of the PLCB's wine and spirits stores, or via the Bureau of Product Selection at (800) 332-7522, option # 1. SLOs placed by a consumer must be shipped to a wine and spirits store operated by the PLCB and may be either for personal use or, if purchased by a PLCB licensee, for resale in any licensed establishment. Such liquor is subject to taxes, a markup of 10% of the product, freight/shipping charges, and a handling fee.

Act 39 also allows the PLCB to accept SLOs placed by licensed importers or licensed vendors on behalf of customers, in addition to accepting SLOs placed directly by customers. However, delivery may only occur after payment has been forwarded to the PLCB and the PLCB has authorized delivery of the order. Liability for SLOs placed by licensed importers or licensed vendors on behalf of customers remain with the importer or vendor until the time of delivery to the customer.

The PLCB is permitted to refuse to process, or prohibit the processing of, SLOs for items that are substantially similar to items that appear on its monthly price lists, or if the PLCB believes demand for the items warrants them being made available generally. The PLCB has the discretion to determine the amount and manner for which any such item will be made available.

Link: <https://www.lcb.pa.gov/Legal/Documents/000820.pdf>

RHODE ISLAND

Shipment Outbound – Silent.

Shipment Inbound – No, but a distiller may ship to a customer only if the order was personally placed by the customer at the manufacturer's premises (R.I. Gen. Laws § 3-4-8(a)).

Shipment Intra-state – No, purchases must take place at the licensed premises (R.I. Gen. Laws § 3-6-1(b)).

COVID-19 Measures – Distilleries can take online or phone orders (for amounts up to their statutory caps for off premises sales) and the customer can pick up the order at the facility or curbside (following social distancing). There is no provision allowing for home delivery. The Governor extended Executive Order 20-02 (Declaration of Disaster Emergency) through September 4, 2021.

Link: <https://governor.ri.gov/executive-orders/executive-order-21-83>

Citation(shipment)

Rhode Island General Laws

§ 3-4-8. Unlawful sale and shipment.

(a) It shall be unlawful for any person in the business of selling intoxicating beverages in another state or country to ship or cause to be shipped any intoxicating beverage directly to any Rhode Island resident who does not hold a valid wholesaler license issued by the State of Rhode Island. The foregoing shall not apply to any order for intoxicating beverages personally placed by the purchaser at the manufacturer's premises, for shipment to an address in Rhode Island for nonbusiness purpose. Any shipment of intoxicating beverages



pursuant to this section shall contain the language: "Contains Alcohol, Adult Signature (over 21) Required for Delivery."

(b) Any person who violates subsection (a) of this section shall, for the first offense, be mailed a certified letter by the department ordering that person to cease and desist any shipment of intoxicating beverages to Rhode Island residents and for each subsequent offense shall be fined one thousand five hundred dollars (\$1,500).

Link: <http://webserver.rilegislature.gov//Statutes/TITLE3/3-4/3-4-8.HTM>

§ 3-6-1. Manufacturer's license.

(a) A manufacturer's license authorizes the holder to establish and operate a brewery, distillery, or winery at the place described in the license for the manufacture of beverages within this state. The license does not authorize more than one of the activities of operator of a brewery or distillery or winery and a separate license shall be required for each plant.

(b) The license also authorizes the sale at wholesale, at the licensed place by the manufacturer of the product of the licensed plant, to another license holder and the transportation and delivery from the place of sale to a licensed place or to a common carrier for that delivery. The license does authorize the sale of beverages for consumption on premises where sold; provided that the manufacturer does not sell an amount in excess of thirty-six ounces (36 oz.) of malt beverage or four and one-half ounces (4.5 oz.) of distilled spirits per visitor, per day, or a combination not greater than three (3) drinks where a drink is defined as twelve ounces (12 oz.) of beer or one and one-half ounces (1.5 oz.) of spirits, for consumption on the premises. The license also authorizes the sale of beverages produced on the premises in an amount not in excess of twenty-four (24) twelve-ounce (12 oz.) bottles or cans or twenty-four (24) sixteen-ounce (16 oz.) bottles or cans of malt beverages, or seven hundred fifty milliliters (750 ml) of distilled spirits per visitor, per day, to be sold in containers that may hold no more than seventy-two ounces (72 oz.) each. These beverages may be sold to the consumers for off-premises consumption, and shall be sold pursuant to the laws governing retail Class A establishments. The containers for the sale of beverages for off-premises consumption shall be sealed. The license does not authorize the sale of beverages in this state for delivery outside this state in violation of the law of the place of delivery. The license holder may provide to visitors, in conjunction with a tour or tasting, samples, clearly marked as samples, not to exceed three hundred seventy-five milliliters (375 ml) per visitor for distilled spirits and seventy-two ounces (72 oz.) per visitor for malt beverages at the licensed plant by the manufacturer of the product of the licensed plant to visitors for off-premises consumption. The license does not authorize providing samples to a visitor of any alcoholic beverages for off-premises consumption that are not manufactured at the licensed plant.

Link: <http://webserver.rilegislature.gov//Statutes/TITLE3/3-6/3-6-1.HTM>

SOUTH CAROLINA

Shipment Outbound – Yes, if permitted by the customer's applicable laws (S.C. Code Ann. § 61-6-100(1); 1150(2)).

Shipment Inbound – No, out-of-state registered producers must ship alcoholic liquors into licensed warehouses (S.C. Code Ann. § 61-6-2820; § 61-6-2900).

Shipment Intra-state – No, manufacturers must sell and deliver to wholesalers or sell to consumers at their licensed premises (S.C. Code Ann. § 61-6-100; § 61-6-1150).

COVID-19 Measures – Relief measures did not include distilleries. Curbside delivery and pickup of alcoholic liquors remain prohibited.

Link: <https://dor.sc.gov/tax/abl>



Citation (shipment)

South Carolina Code Annotated

SECTION 61-6-100. Authority to issue, suspend, and revoke licenses.

(1) manufacturers' licenses which authorize the licensees to manufacture alcoholic liquors and to sell and deliver or ship them, in accordance with regulations, in bottles or in similar closed containers to a person in this State who has a wholesaler's license issued under this article, and in barrels, bottles, or other closed containers to persons outside this State. However, no deliveries or shipments may be made into another state whose laws prohibit the consignee from receiving or selling alcoholic liquors.

SECTION 61-6-1150. Tastings and retail sales; additional limitations and requirements.

Authorization by this section of sales and tastings at licensed premises of a micro-distillery or manufacturer is expressly intended for the promotion of education regarding production of alcoholic liquors in the State and not to create competition between producers and retailers. A holder of a valid micro-distillery or manufacturer license issued by the State may:

- (1) sell in any quantities the alcoholic liquors produced at the licensed premises to a wholesaler licensed by the State;
- (2) transport in any quantities the alcoholic liquors produced at the licensed premises out of state for sale outside of the State;
- (3) sell at retail at the licensed premises the alcoholic liquors produced at the licensed premises, but only if the labels for the bottles are marked "not for resale";
- (4) sell at retail no more than the equivalent of three 750-milliliter bottles of alcoholic liquors to a consumer in one business day;
- (5) not allow consumption on the licensed premises of alcoholic liquors sold by the bottle at the licensed premises;
- (6) maintain pricing of the alcoholic liquors sold at the licensed premises at a price approximating retail prices generally charged for identical alcoholic liquors in the county where the on-site premises is located;
- (7) in addition to the sale of alcoholic liquors as authorized by this section, sell items promoting the brand or brands of alcoholic liquors produced at that location in a room on the licensed premises separate from the locations of the tastings;
- (8) not sell or store goods, wares, or merchandise in or from the room in which alcoholic liquors are sold or tasted;
- (9) store mixers used, but not sold, in conjunction with tastings; and
- (10) not allow minors into the portion of the facility where tastings are occurring.

SECTION 61-6-2820. Importation by registered producers.

No person other than a registered producer may ship, move, or cause to be shipped or moved alcoholic liquors from a point outside the State to a point inside the State, and then only in accordance with the provisions of this article.

SECTION 61-6-2900. Shipment or transfer of imported liquors.

Alcoholic liquors must be shipped or moved from a point outside this State to a point inside the State only by railroad companies, steamship companies, express companies, or truck companies authorized to do business in the State as common carriers by the Department of Public Safety, by wholesalers licensed by the department, or by registered producers in their own trucks. Alcoholic liquors must be shipped or moved only to the warehouse of the food manufacturer licensed pursuant to Section 61-6-710, or the registered producer in care of the producer representative who is registered to handle the property of the registered producer originating the shipment. The shipment of alcoholic liquors must be either stored in the warehouse of the food manufacturer



licensed pursuant to Section 61-1-710 or in a licensed warehouse of the registered producer or, after delivery to the producer representative is complete, may then be shipped to a licensed wholesaler by common carriers described in this section, by wholesalers licensed by the department or by registered producers in their own trucks.

Link to statutes: <https://www.scstatehouse.gov/code/t61c006.php>

SOUTH DAKOTA

Shipment Outbound – Silent.

Shipment Inbound – No, direct shipping licenses are only provided to wineries.

Shipment Intra-state – No, artisan distillers and licensed distillers can sell directly to consumers for on or off-premises consumption at their licensed premises (SDCL § 35-13-19; § 35-13-22).

COVID-19 Measures – No special measures are in place regarding delivery or shipping for distilleries during this pandemic. An FAQ page only clarifies that Artisan Distiller Licensees (AD) may sell alcohol at their licensed premises for off-premises consumption, however, that has always been the case.

Link: <https://www.sdra.org/covid-19-business-qa.html>

Citation (shipment)

South Dakota Codified Laws

§ 35-13-19. Permitted sales by artisan distiller--Limitation.

A licensed artisan distiller may sell on the licensed premises alcoholic beverages produced by the licensee for on-sale or off-sale consumption. A licensed artisan distiller may sell alcoholic beverages produced by the licensee to any wholesaler or retailer authorized to receive the alcoholic beverages. A licensed artisan distiller may sell alcoholic beverages to any licensed artisan distiller, farm winery, microbrewery, or microcidery, if the alcoholic beverage is used in the manufacturing process.

The quantity of alcoholic beverages sold pursuant to this section may not exceed the total production limits for the license as specified in § 35-13-13.

Link: https://sdlegislature.gov/Statutes/Codified_Laws/2059171

§ 35-13-22. Permitted sales by distiller.

A licensed distiller may sell on the licensed premises alcoholic beverages produced by the licensee for on-sale or off-sale consumption. A licensed distiller may sell alcoholic beverages produced by the licensee to any wholesaler authorized to receive the alcoholic beverages.

Link: https://sdlegislature.gov/Statutes/Codified_Laws/2059174

TENNESSEE

Shipment Outbound – Silent.

Shipment Inbound – No (Tenn. Code Ann. § 57-3-402).

Shipment Intra-state – No, may only solicit orders from a wholesaler or sell directly to customers at its licensed premises (Tenn. Code Ann. § 57-3-202).



COVID-19 Measures – TN distilleries cannot deliver or ship to consumers nor provide curbside pickup.

Link:

<https://www.tn.gov/content/dam/tn/abc-documents/abc-documents/03-26-2020-Coronavirus-FAQ%20-Distilleries.pdf>

Citation (shipment)

Tennessee Code Annotated

§ 57-3-202. Manufacturer's or distiller's licenses — Qualifications of applicants — Fees — Permits to solicit orders — Penalty — Rules and regulations.

(d) Before an individual owner, officer, employee, or representative of any manufacturer, rectifier, or importer may solicit orders from a licensed wholesaler in this state, such individual owner, officer, employee, or representative shall be the holder of a permit issued by the commission. The fee for such permit shall be fifty dollars (\$50.00). Such permit shall authorize the holder to solicit orders upon the premises of a licensed wholesaler. A representative may sell the products of, or represent more than one (1) manufacturer, rectifier, or importer and such affiliates or subsidiaries that the manufacturer, rectifier, or importer may control by means of ownership or the ownership of a controlling stock interest.

(i)

(1) A manufacturer's license issued or renewed under this section to a manufacturer shall also allow such manufacturer to sell at retail on the licensed premises of the manufacturer products that are manufactured on the manufacturer's premises; provided, that no more than five gallons (5 gal.) or one-sixth ($\frac{1}{6}$) of a barrel of its products may be sold to any one (1) individual per visit to the premises. The manufacturer may serve samples of the product manufactured or distilled at the premises to any person of legal drinking age with or without cost or may include such samples as part of a tour of the manufacturer's or distiller's premises available to the public with or without cost. Such samples may be made available at any location on the manufacturing premises permitted by federal law. The manufacturer shall disclose to the commission the location where samples are available. The hours of sale for the manufacturer to sell products at retail shall be between the hours of eight o'clock a.m. (8:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Monday through Saturday and between the hours of ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday.

(2) A manufacturer electing to exercise the rights granted to it under subdivision (i)(1), may only sell at retail or provide samples of product that it has obtained from a wholesaler licensed under § 57-3-203, and such wholesaler shall remit all taxes imposed under §§ 57-3-302, 57-3-501 (which shall be collected from the manufacturer based upon its retail sales), and 57-6-201. For products acquired from a wholesaler by a manufacturer under this section, the wholesaler may permit the manufacturer to deliver its products to the location on its premises where such retail sales and samples will be effected, provided the wholesaler permitting such direct shipment must include the amounts delivered in its inventory and depletions for purposes of tax collections.

(3) Notwithstanding any law to the contrary, any manufacturer selling at retail with the license authorized by this subsection (i) shall pay a municipal inspection fee, described in § 57-3-501, if a municipality the manufacturer is located in imposes such inspection fee which shall then be remitted by the wholesaler as described in subdivision (i)(2).

(4)

(A) A distiller's license issued or renewed under this section authorizes a distillery to sell to any person of legal drinking age alcoholic beverages for consumption on the premises of the distillery, other than the bonded premises, where such consumption is also permitted by federal law. Distilled spirits sold under this subdivision (i)(4) must be manufactured on the premises of the distillery.

Link:

[§ 57-3-202](#)

Current as of July 2021



§ 57-3-402. Importation or transportation limited.

(a) It is unlawful, except as permitted in this chapter, for any person to import or transport, or cause to be imported or transported from any other state, territory, or country, into this state, any alcoholic beverages defined in § 57-3-101. This subsection (a) shall not apply to alcoholic beverages imported or transported into this state pursuant to former § 39-17-705(5).

(b) Except as provided in § 57-3-217 [Winery direct shipper's license], no common carrier or other person shall bring or carry into this state for delivery or use in this state any alcoholic beverages unless the same shall be consigned to a manufacturer or wholesaler duly licensed under this chapter, or unless the alcoholic beverages shall be consigned to a post exchange, ship's service store, mess, club, commissary, or other agency under the jurisdiction of the department of defense, in which event notice of the shipment shall be given to the commission as required by § 57-3-110.

(c) It is unlawful for any person, railroad company or other common carrier, to transport or accept delivery of alcoholic beverages, consigned to any person except those duly authorized and holding a wholesaler's license. This shall not apply to:

(1) Shipments from a duly licensed wholesaler in this state to a retailer duly licensed or to points outside the state;

(2) Alcoholic beverages consigned to a post exchange, ship's service store, club, commissary, or mess, or any other agency under the jurisdiction of the department of defense after notice of such shipment is given to the commission as required by § 57-3-110; or

(3) Alcoholic beverages transported by a licensee pursuant to the rules and regulations of the commission for the purposes of conducting an educational seminar by a business licensed pursuant to § 57-3-204.

(d) Transportation of alcoholic beverages as defined in this chapter, within, into, through or over this state in quantities in excess of five gallons (5 gals.) is permitted only in conformity with this chapter, except in counties wherein the sale of alcoholic beverages has been legalized.

Link:

[§ 57-3-402](#)

TEXAS

Shipment Outbound – Yes, if permitted by the purchaser's applicable laws (TX Alco Bev Code § 14.01(5)).

Shipment Inbound – No, only out-of-state wineries may ship directly to consumers.

Shipment Intra-state – No, a holder of a distiller's permit can only sell directly to consumers on its licensed premises (TX Alco Bev Code § 14.01(9); § 14.05).

COVID-19 Measures – Texas ABC provided a chart stating that distiller's and rectifier's permits (D) are allowed to sell alcoholic beverages to-go and allows for parking lot pickup. Distillers cannot provide off-site delivery to consumers.

Link:

<https://www.tabc.texas.gov/static/sites/default/files/2020-07/to-go-delivery-alcoholic-beverage-sales-chart.pdf>

Citation (shipment)

Texas Alcoholic Beverage Code

Sec. 14.01. AUTHORIZED ACTIVITIES. (a) The holder of a distiller's and rectifier's permit may:



- (5) sell the finished products in this state to holders of wholesaler's permits and to qualified persons outside the state;
- (9) sell distilled spirits to ultimate consumers under Section 14.04 [Distilled Spirits Sampling] or 14.05. [Sales to Ultimate Consumers]

Sec. 14.05. SALES TO ULTIMATE CONSUMERS. (a) The holder of a distiller's and rectifier's permit whose permitted premises is located in an area where the sale of alcoholic beverages is legal as provided by a ballot issue approved by the voters under Section 501.035(b)(7), (8), or (9), Election Code, may sell to ultimate consumers for consumption on the permitted premises distilled spirits manufactured or rectified by the permit holder in an amount not to exceed 3,000 gallons annually.

(b) The holder of a distiller's and rectifier's permit may sell distilled spirits manufactured by the permit holder to ultimate consumers for off-premises consumption in unbroken packages containing not more than 750 milliliters of distilled spirits for off-premises consumption in an amount not to exceed 3,500 gallons annually if:

(1) for a permit issued on or after September 1, 2013, the permitted premises is located in an area where the sale of alcoholic beverages is legal as provided by a ballot issue approved by the voters under Section 501.035(b)(5), (6), or (7), Election Code; or

(2) for a permit issued before September 1, 2013, the permitted premises is located in an area where the sale of alcoholic beverages is legal as provided by a ballot issue approved by the voters under Section 501.035(b)(5), (6), (7), (8), or (9), Election Code.

(c) The holder of a distiller's and rectifier's permit may not under Subsection (b) sell more than two 750 milliliter bottles of distilled spirits or the equivalent to the same consumer within a 30-day period.

(d) A sale under Subsection (b):

(1) may be made only to an individual who is physically present at the permit holder's premises; and

(2) must be delivered to the purchaser in person during the purchaser's visit.

(e) A person may not make a purchase under Subsection (b) as an agent for another person.

(f) The permit holder must check a purchaser's identification and keep records of purchases in a manner that enables the permit holder to comply with this section.

(g) A bottle of distilled spirits sold on the permit holder's premises under Subsection (b) must bear a notice affixed to the bottle that:

(1) does not obscure the label approved by the Alcohol and Tobacco Tax and Trade Bureau;

(2) states that the bottle is commemorative;

(3) states the month and year the bottle is sold; and

(4) is signed by an agent of the permit holder.

Texas Alcohol Beverage Code Link:

<https://statutes.capitol.texas.gov/Docs/AL/htm/AL.14.htm>

UTAH

Shipment Outbound – Yes (UT Code Ann. § 32B-11-403(1)(b)(ii)).

Shipment Inbound – No, liquor transport licensees can only deliver to a retail licensee, a central receiving and distribution center, or an airport licensee (UT Code Ann. § 32B-17-301).

Shipment Intra-state – No, manufacturers must sell liquor to the UT Department of Alcoholic Beverage Control (UT Code Ann. § 32B-11-403(1)(b)(i)).



COVID-19 Measures – Licensees may only sell alcohol as governed by law. The governor’s executive orders did not modify the legal requirements relating to alcohol service. No licensees may offer curbside alcohol sales or service.

Link: <https://abc.utah.gov/wp-content/uploads/Home/covid19/05-11-20-DABC-COVID-19-Notice.pdf>

Citation (shipment)

Utah Code Annotated

§ 32B-11-403 Specific authority and operational requirements for distillery manufacturing license. (1) A distillery manufacturing license allows a distillery manufacturing licensee to:

(b) sell liquor to:

(i) the department;

(ii) an out-of-state customer;

Link: https://le.utah.gov/xcode/Title32B/Chapter11/32B-11-S403.html?v=C32B-11-S403_2020051220200512

§ 32B-17-301 General operational requirements for liquor transport license.

(4)(a) A liquor transport licensee may not deliver alcoholic product to a person within the state except to: (i) a retail licensee;

(ii) a central receiving and distribution center; or

(iii) if the liquor transport licensee is a central receiving and distribution center, an airport licensee.

Link:

https://le.utah.gov/xcode/Title32B/Chapter17/32B-17-S301.html?v=C32B-17-S301_2020062520200625

VERMONT

Shipment outbound – Silent as to distillers, although common carriers can only transport alcohol for direct wine or beer licensees (7 V.S.A. § 280).

Shipment inbound – No, all spirits imported or transported into Vermont must be imported or transported by and through the Board of Liquor and Lottery (7 V.S.A. § 63(a)(1)).

Shipment intra-state – No, manufacturers are allowed to sell directly to consumers at their licensed premises only (7 V.S.A. § 271; § 224).

COVID-19 Measures – Effective through June 30, 2021, manufacturers with a 1st, 2nd, 3rd, or 4th class license were permitted to deliver alcohol to consumers. These measures ended after June 30, 2021. H. 313, signed and enacted into law on May 21, 2021, allows first-class and third-class licensees to sell spirits-based prepared drinks for off-premises consumption if the sale of alcoholic beverages for off-premises consumption is accompanied by a food order. The bill also allows second-class and fourth-class licensees to provide curbside pickup of unopened containers of alcoholic beverages that the licensee is permitted to sell from the licensed premises or location.

Executive Order No. 06-21 Link:

<https://governor.vermont.gov/sites/scott/files/documents/EXECUTIVE%20ORDER%20NO.%2006-21.pdf>

H. 313 Link:

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT070/ACT070%20As%20Enacted.pdf>

Citation (shipment)



Vermont Statutes Annotated

7 V.S.A. § 63. Importation or transportation of alcohol; prohibitions; personal import limit; penalty

(a)(1) All spirits and fortified wines imported or transported into this State shall be imported or transported by and through the Board of Liquor and Lottery. A person importing or transporting or causing to be imported or transported into this State any spirits or fortified wines, or both, in violation of this section shall be imprisoned not more than one year or fined not more than \$5,000.00, or both.

Link: <https://legislature.vermont.gov/statutes/section/07/003/00063>

7 V.S.A. § 224. Fourth-class licenses

(a) The Board of Liquor and Lottery may grant up to a combined total of ten fourth-class licenses to a manufacturer or rectifier that submits an application and the fee provided in section 204 of this title.

(b) At each licensed location, a fourth-class licensee may sell by the unopened container or distribute by the glass, with or without charge, alcoholic beverages manufactured by the licensee.

(1) A licensee may, for consumption at the licensed premises or location, distribute the following amounts of alcoholic beverages to a retail customer:

(A) no more than two ounces of malt beverages or vinous beverages with a total of eight ounces; and

(B) no more than one-quarter ounce of spirits or fortified wine with a total of one ounce.

(2) At a fourth-class license location at the licensee's manufacturing premises, the licensee may distribute by the glass up to four mixed drinks containing a combined total of no more than one ounce of spirits or fortified wine to each retail customer for consumption only on the licensed premises.

(3) At each licensed location, a fourth-class licensee may, pursuant to section 64 of this title, sell malt beverages or vinous beverages, or both, by the keg.

(c)(1) At only one fourth-class license location, a licensed manufacturer or rectifier may sell by the unopened container or distribute by the glass, with or without charge, alcoholic beverages produced by no more than five additional manufacturers or rectifiers, provided these beverages are purchased on invoice from the manufacturer or rectifier. (2) A manufacturer or rectifier may sell its product to no more than five additional manufacturers or rectifiers.

(d) A fourth-class license issued for a farmers' market location shall be valid for all dates of operation for the specific farmers' market location.

(e) Rules applicable to second-class licenses and pertaining to financial responsibility, age of employees, the selling and furnishing to apparently intoxicated persons; and leases of businesses shall all apply to fourth-class licenses.

(f) Signs and advertising of fourth-class licenses at tasting rooms and retail shops other than at the manufacturer's or rectifier's premises shall indicate that the premises are a "tasting room and retail shop," and shall be in lettering not less than 75 percent of the height and width of the lettering setting forth the name of the licensee or establishment.

Link: <https://legislature.vermont.gov/statutes/section/07/009/00224>

7 V.S.A. § 271. Manufacturer's or rectifier's license

(b) Except as otherwise provided in section 224 of this title and subsections (d)-(f) of this section:

(1) spirits and fortified wine may be manufactured for sale to the Board of Liquor and Lottery or for export, or both; and

(d)(1) The Board of Liquor and Lottery may grant to a licensed manufacturer or rectifier a first-class license or a third-class license, or both, permitting the licensee to sell alcoholic beverages to the public at an establishment located at the manufacturer's or rectifier's licensed facility, provided the manufacturer or rectifier owns or has direct control over that establishment.



(2) A licensed manufacturer of malt beverages may operate up to two licensed establishments pursuant to this subsection that are located at the licensed manufacturing facility or on property that is owned by the licensee and is contiguous with the parcel of land on which the licensed manufacturing facility is located, provided the manufacturer owns or has direct control over both establishments.

(f)(1) A licensed manufacturer or rectifier may serve alcoholic beverages with or without charge at an event held at the licensed manufacturing or rectifying facility or at a location on property that is owned by the licensee and is contiguous with the parcel of land on which the licensed facility is located, provided the licensee at least five days before the event gives the Division written notice of the event, including details required by the Division.

(2) Any beverages not manufactured by the licensee that are served at the event shall be purchased on invoice from a licensed manufacturer or wholesale dealer or the Board of Liquor and Lottery.

Link: <https://legislature.vermont.gov/statutes/section/07/009/00271>

7 V.S.A. § 280. Common carriers; requirements

(c) A certified common carrier shall deliver only malt or vinous beverages that have been shipped by the holder of a license issued under section 277 or 278 of this subchapter or vinous beverages that have been shipped by the holder of a vinous beverage storage license issued under section 283 of this subchapter.

Link: <https://legislature.vermont.gov/statutes/section/07/009/00280>

Citation (COVID-19)

RETAIL DELIVERY of ALCOHOL to CUSTOMERS 1st, 2nd and 4th Class Licensees

5.c.iii has been Amended 3/25/2020 – as part of the delivery process

5. For deliveries, the licensee shall be able to travel from town to town or from place to place carrying orders for delivery of any alcohol product they are licensed to sell and authorized to deliver hereunder without a delivery permit, provided the following conditions are met:

a. The person making the delivery is at least 18 years old and is certified to sell or serve alcohol by the Board. b. All deliveries shall be in person to a physical building or residence.

c. Licensees shall maintain an inspectable log of all deliveries made and such log shall at a minimum include:

i. Name of recipient and physical address in Vermont to where the product was delivered.

ii. How ID was verified.

iii. A signature of recipient at least twenty-one (21) years of age; AMENDED; to ensure social distancing, the 21-year-old recipient will not be required to a sign.

iv. Complete description of the product and quantity delivered.

v. Time of delivery.

vi. The name of the employee making the delivery.

Link: https://liquorcontrol.vermont.gov/sites/dlc/files/documents/DLC_Covid-19_FAQ.pdf

VIRGINIA

Shipment Outbound – Yes, if allowed by the importing jurisdiction's laws (Va. Code § 4.1-201(B)).

Shipment Inbound – No, spirits must be sold at state-operated stores.

Shipment Intra-state – No, distillers have to sell to the VA Board or to consumers on their licensed premises (Va. Code § 4.1-201(A)(5)).

COVID-19 Measures – During the state of emergency, distillers will be able to ship to consumers in VA. Distillers will temporarily be considered an agent of the VA Board for the purposes of the sale of spirits and low alcohol



beverage coolers. By signing an addendum to the Distillery Store Agreement and for a limited period of time, the distiller is authorized to provide spirits and low alcohol beverage coolers manufactured by or for, or blended by such licensee on the licensed premises through electronic or other orders and ship such orders to consumers and licensees in the VA. No distiller shall be permitted to sell more than six (6) bottles of spirits or two (2) cases of low alcohol beverage coolers to any one consumer or licensee per month. This addendum to the Distillery Store Agreement will continue as long as Virginia ABC stores are recognized as essential businesses under Governor's Executive Order 53 and 55 or until further amended, modified or rescinded by the governor. As of July 1, the State of Emergency declared in response to COVID-19 has expired and all Executive Orders imposing COVID-19 restrictions are expired or terminated. S.B. 1299, signed and enacted into law on March 18, 2021, allows a distiller that has been appointed as an agent of the Board to deliver any alcoholic beverages the distiller is authorized to sell through organized tasting events and Board regulations to a consumer in Virginia for personal consumption. Deliveries can be made to a consumer's vehicle if the vehicle is located in a designated parking area of the licensee's premises or to such other locations as may be permitted by Board regulation. The owner or any agent, officer, director, shareholder, or employee of the licensee or permittee or an independent contractor of the licensee or permittee must perform all deliveries. (H.B. 1879 is the House version of the bill).

Distillery Shipping Privileges Link:

<https://www.abc.virginia.gov/about/media-room/2020/04062020-distillery-shipping-privileges>

S.B. 1299 Link: <https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+SB1299+hil>

Citation (shipment)

Virginia Code

§ 4.1-201. Conduct not prohibited by this title; limitation.

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

Link: <https://law.lis.virginia.gov/vacode/title4.1/chapter2/section4.1-201/>

Citation (COVID-19)

Consistent with Executive Order Fifty-One Declaration of Emergency due to Coronavirus ("COVID19") and Executive Order Fifty-Three and further consistent with the purposes of the Authority as expressed in §4.1-101 et seq. of the Code of Virginia, and further consistent with the role of the Authority as a market participant as defined by the Supreme Court of the United States this Agreement is modified as follows:

1. Pursuant to this Agreement §4.1-119(D), the Distiller is an agent of the Board for the purposes of the sale of spirits and low alcohol beverage coolers, manufactured by or for, or blended by such distiller on the licensed premises. 2. Upon the execution of this Addendum to the Distillery Store Agreement and for a limited period of time, the Distiller is authorized to provide spirits and low alcohol beverage coolers manufactured by or for, or



blended by such licensee on the licensed premises through electronic or other orders and ship such orders to consumers and licensees in the Commonwealth in accordance with the provisions of this Addendum as an agent of the Board. HOWEVER, no such distiller shall be permitted to sell more than six (6) bottles of spirits or two (2) cases of low alcohol beverage coolers to any one consumer or licensee per month.

3. Bottles of spirits shipped shall have a maximum capacity no more than 1.75 liters.

4. The direct shipment of spirits or low alcohol beverage coolers pursuant to this Addendum shall be by approved common carriers only.

5. The Distiller shall ensure the recipient is at least twenty-one (21) years of age; and that the recipient's name and date of birth are recorded.

WASHINGTON

Shipment Outbound – Yes (RCW 66.20.410; WAC 314-28-100).

Shipment Inbound – No, out-of-state distilleries must receive a certificate of approval and distiller COAs allow distillers to sell to distributors, importers, or directly to retailers, but not consumers (WAC 314-23-030).²²

Shipment Intra-state – Yes (RCW 66.20.410; WAC 314-28-100).

COVID-19 Measures – Temporary provisions have allowed for to-go mixed drinks, curbside pickup/delivery, and full bottle sales from on-premise accounts. H.B. 1480, signed and enacted into law on April, 14, 2021, allows distilleries to sell alcohol products at retail for curbside service, takeout, and delivery through July 1, 2023.

Link: https://content.govdelivery.com/bulletins/gd/WALCB-28a1611?wgt_ref=WALCB_WIDGET_1

H.B. 1480 Link:

<http://lawfilesexst.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/1480-S2.PL.pdf>

Citation (shipment)

Washington Revised Code

RCW 66.20.410 Distillery orders for spirits.

(1) The holder of a license to operate a distillery or craft distillery issued under RCW 66.24.140 or 66.24.145 may accept orders for spirits from, and deliver spirits to, customers if all of the following conditions are met for each sale:

(a) Spirits are not used for resale;

(b) Spirits come directly from the distillery's or craft distillery's possession prior to shipment or delivery. All transactions are to be treated as if they were conducted in the retail location of the distillery or craft distillery regardless of how they are received or processed;

(c) Spirits may be ordered in person at a licensed location, by mail, telephone, or internet, or by other similar methods; and

(d) Only a distillery or craft distillery licensee or a licensee's direct employees may accept and process orders and payments. A contractor may not do so on behalf of a distillery or craft distillery licensee, except for transmittal of

²² H.B. 1432, introduced on January 1, 2021, would allow a holder of a license to manufacture spirits issued by another state or a holder of a certificate of approval license issued by another state to ship spirits that the license holder is allowed to manufacture or import to a consumer in Washington who is at least 21 years of age for personal use. The bill is in committee.

Link: <http://lawfilesexst.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Bills/1432.pdf>

Current as of July 2021



payment through a third-party service. A third-party service may not solicit customer business on behalf of a distillery or craft distillery licensee.

(2) All orders and payments must be fully processed before spirits transfers ownership or, in the case of delivery, leaves a licensed distillery's or craft distillery's possession.

(3) Payment methods include, but are not limited to: Cash, credit or debit card, check or money order, electronic funds transfer, or an existing prepaid account. An existing prepaid account may not have a negative balance.

(4) To sell spirits via the internet, a new distillery or craft distillery license applicant must request internet-sales privileges in his or her application. An existing distillery or craft distillery licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple licensees may notify the board in a single letter on behalf of affiliated distillery or craft distillery licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

(5) Delivery may be made only to a residence or business that has an address recognized by the United States postal service; however, the board may grant an exception to this rule at its discretion. A residence includes a hotel room, a motel room, marina, or other similar lodging that temporarily serves as a residence.

(6) Spirits may be delivered each day of the week between the hours of 6:00 a.m. and 2:00 a.m. Delivery must be fully completed by 2:00 a.m.

(7) Under chapter 66.44 RCW, any person under twenty-one years of age is prohibited from purchasing, delivering, or accepting delivery of liquor.

(a) A delivery person must verify the age of the person accepting delivery before handing over liquor.

(b) If no person twenty-one years of age or older is present to accept a liquor order at the time of delivery, the liquor must be returned.

(8) Delivery of liquor is prohibited to any person who shows signs of intoxication.

(9)(a) Individual units of spirits must be factory sealed in bottles. For the purposes of this subsection, "factory sealed" means that a unit is in one hundred percent resalable condition, with all manufacturer's seals intact.

(b) The outermost surface of a liquor package, delivered by a third party, must have language stating that:

(i) The package contains liquor;

(ii) The recipient must be twenty-one years of age or older; and

(iii) Delivery to intoxicated persons is prohibited.

(10)(a) Records and files must be retained at the licensed premises. Each delivery sales record must include the following:

(i) Name of the purchaser;

(ii) Name of the person who accepts delivery;

(iii) Street addresses of the purchaser and the delivery location; and

(iv) Time and date of purchase and delivery.

(b) A private carrier must obtain the signature of the person who receives liquor upon delivery.

(c) A sales record does not have to include the name of the delivery person, but it is encouraged.

(11) Web site requirements. When selling over the internet, all web site pages associated with the sale of liquor must display the distillery or craft distillery licensee's registered trade name.

(12) A distillery or craft distillery licensee is accountable for all deliveries of liquor made on its behalf.

(13) The board may impose administrative enforcement action upon a licensee, or suspend or revoke a licensee's delivery privileges, or any combination thereof, should a licensee violate any condition, requirement, or restriction.

Link: <https://app.leg.wa.gov/RCW/default.aspx?cite=66.20.410>

WAC 314-28-100 Link: <https://apps.leg.wa.gov/wac/default.aspx?cite=314-28-100>

Washington Administrative Code

WAC 314-23-030 What does a spirits certificate of approval license allow?



(1) A spirits certificate of approval license may be issued to spirits manufacturers located outside of the state of Washington but within the United States.

(2) There are three separate spirits certificate of approval licenses as follows:

(a) A holder of a spirits certificate of approval may act as a distributor of spirits they are entitled to import into the state by selling directly to spirits distributors or spirits importers licensed in Washington state. The fee for a certificate of approval is two hundred dollars per year.

(b) A holder of an authorized representative out-of-state spirits importer or brand owner for spirits produced in the United States but outside of Washington state may obtain a spirits authorized representative domestic certificate of approval license which entitles the holder to import spirits into the state by selling directly to spirits distributors, or spirits importers licensed in Washington state. The fee for an authorized representative certificate of approval for spirits is two hundred dollars per year.

(c) A holder of an authorized representative out-of-state spirits importer or brand owner for spirits produced outside of the United States obtains a spirits authorized representative foreign certificate of approval which entitles the holder to import spirits into the state by selling directly to spirits distributors, or spirits importers licensed in Washington state. The fee for an authorized representative certificate of approval for foreign spirits is two hundred dollars per year.

(3) A spirits certificate of approval holder, a spirits authorized representative domestic certificate of approval holder, and/or a spirits authorized representative foreign certificate of approval holder must obtain an endorsement to the certificate of approval that allows the shipment of spirits the holder is entitled to import into the state directly to licensed liquor retailers. The fee for this endorsement is one hundred dollars per year and is in addition to the fee for the certificate of approval license.

Link: <https://apps.leg.wa.gov/wac/default.aspx?cite=314-23-030&pdf=true>

WAC 314-28-100 Consumer orders, internet sales, and delivery for distillery and craft distillery licensees.

A distillery or craft distillery licensee may accept orders for spirits from, and deliver spirits to, customers.

(1) Resale. Spirits shall not be for resale.

(2) Stock location. Spirits must come directly from a licensed distillery or craft distillery possession.

(3) How to place an order. Spirits may be ordered in person at a licensed location, by mail, telephone, or internet, or by other similar methods.

(4) Sales and payment.

(a) Only a spirits distillery or craft distillery licensee or a licensee's direct employees may accept and process orders and payments. A contractor may not do so on behalf of a spirits distillery or craft distillery licensee, except for transmittal of payment through a third-party service.

The use of internet or mobile applications for retail customers to purchase alcohol in Washington state are allowed under the following conditions:

(i) The internet sale will be made by the distillery;

(ii) The payment for the sale will be processed by the distillery; and

(iii) The distillery pays the owner of the internet or mobile application a service fee.

(b) All orders and payments shall be fully processed before spirits transfers ownership or, in the case of delivery, leaves a licensed distillery's possession.

(c) All orders and payments shall be fully processed before spirits transfers ownership or, in the case of delivery, leaves a licensed distillery's or craft distillery's possession.

(d) Payment method. Payment methods include, but are not limited to: Cash, credit or debit card, check or money order, electronic funds transfer, or an existing prepaid account. An existing prepaid account may not have a negative balance.

(e) Internet. To sell spirits via the internet, a new spirits distillery or craft distillery license applicant must request internet sales privileges in his or her application. An existing spirits distillery or craft distillery licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the



board in a single letter on behalf of affiliated spirits distillery or craft distillery licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

(5) Delivery location. Delivery shall be made only to a residence or business that has an address recognized by the United States postal service; however, the board may grant an exception to this rule at its discretion. A residence includes a hotel room, a motel room, or other similar lodging that temporarily serves as a residence.

(6) Hours of delivery. Spirits may be delivered each day of the week between the hours of 6:00 a.m. and 2:00 a.m. Delivery must be fully completed by 2:00 a.m.

(7) Age requirement.

(a) Under chapter 66.44 RCW, any person under twenty-one years of age is prohibited from purchasing, delivering, or accepting delivery of liquor.

(b) A delivery person must verify the age of the person accepting delivery before handing over liquor.

(c) If no person twenty-one years of age or older is present to accept a liquor order at the time of delivery, the liquor shall be returned.

(8) Intoxication. Delivery of liquor is prohibited to any person who shows signs of intoxication.

(9) Containers and packaging.

(a) Individual units of spirits must be factory sealed in bottles. For the purposes of this subsection, "factory sealed" means that a unit is in one hundred percent resalable condition, with all manufacturer's seals intact.

(b) The outermost surface of a liquor package, delivered by a third party, must have language stating that:

(i) The package contains liquor;

(ii) The recipient must be twenty-one years of age or older; and

(iii) Delivery to intoxicated persons is prohibited.

(10) Required information.

(a) Records and files shall be retained at the licensed premises. Each delivery sales record shall include the following:

(i) Name of the purchaser;

(ii) Name of the person who accepts delivery;

(iii) Street addresses of the purchaser and the delivery location; and

(iv) Time and date of purchase and delivery.

(b) A private carrier must obtain the signature of the person who receives liquor upon delivery.

(c) A sales record does not have to include the name of the delivery person, but it is encouraged.

(11) Website requirements. When selling over the internet, all website pages associated with the sale of liquor must display the spirits distillery or craft distillery licensee's registered trade name.

(12) Accountability. A spirits distillery or craft distillery licensee shall be accountable for all deliveries of liquor made on its behalf.

(13) Violations. The board may impose administrative enforcement action upon a licensee, or suspend or revoke a licensee's delivery privileges, or any combination thereof, should a licensee violate any condition, requirement, or restriction.

Link: <https://apps.leg.wa.gov/wac/default.aspx?cite=314-28-100>

WEST VIRGINIA

Shipment Outbound – Silent.²³

²³ H.B. 2025, signed and enacted into law on May 20, 2021, allows a distillery, mini-distillery, or micro-distillery whose licensed premises is in West Virginia to obtain a private direct shipper license to ship from its primary place of business directly to a consumer in another state who is at least 21 years of age for personal consumption via a mail shipping carrier subject to the recipient state's requirements and laws. A private direct Current as of July 2021



Shipment Inbound – No (W. Va. Code § 60-6-13).²⁴

Shipment Intra-state – No, distilleries may only offer liquor for retail sale to customers from the distillery, mini-distillery, or micro-distillery for consumption off premises only (excluding samples) (W. Va. Code § 60-4-3a).

²⁵

COVID-19 Measures – Relief measures explicitly prohibit distilleries and mini-distilleries from providing home delivery of liquor.

Link:

https://abca.wv.gov/Documents/Advisories/Limited%20Outdoor%20Dining%20Area%20Advisory.4th_revised.101220.pdf

Citation (shipment)

West Virginia Code

§ 60-4-3. To whom licensed manufacturer may sell.

A person who is licensed to manufacture alcoholic liquors in this state may sell liquors in this state only to the West Virginia Alcohol Beverage Control Commissioner and to wholesalers and retailers licensed as provided in this chapter: Provided, That a holder of a winery or a farm winery license may sell wines and a holder of a distillery, mini-distillery, or micro-distillery license may sell alcoholic liquors manufactured by it in this state in accordance with the provisions of §60-6-2 of this code. Hours of retail sale by a winery or a farm winery or distillery, mini-distillery or micro-distillery are subject to regulation by the commissioner. A winery, distillery,

shipper licensee may not ship more than two bottles of liquor per month to a retail liquor outlet for pickup by a consumer. The combined fluid volume of both bottles may not exceed three liters.

Link:

http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2025%20SUB%20ENR.htm&yr=2021&sessty=RS&i=2025

²⁴ H.B. 2025, signed and enacted into law on May 20, 2021, allows a distillery, mini-distillery, or micro-distillery whose licensed premises is in a state other than West Virginia to obtain a private direct shipper license to ship directly from the licensee's primary place of distilling to a consumer who is at least 21 years of age for personal consumption via a mail shipping carrier. However, the shipments must be delivered to a retail liquor outlet in the market zone in which the consumer resides and cannot be shipped to areas designated as "dry" areas. A private direct shipper licensee may not ship more than two bottles of liquor per month to a retail liquor outlet for pickup by a consumer. The combined fluid volume of both bottles may not exceed three liters.

Link:

http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2025%20SUB%20ENR.htm&yr=2021&sessty=RS&i=2025

²⁵ H.B. 2025, signed and enacted into law on May 20, 2021, allows a distillery, mini-distillery, or micro-distillery whose licensed premises is in West Virginia to obtain a private direct shipper license to ship directly from the licensee's primary place of distilling to a consumer who is at least 21 years of age for personal consumption via a mail shipping carrier. However, the shipments must be delivered to a retail liquor outlet in the market zone in which the consumer resides and cannot be shipped to areas designated as "dry" areas. A private direct shipper licensee may not ship more than two bottles of liquor per month to a retail liquor outlet for pickup by a consumer. The combined fluid volume of both bottles may not exceed three liters.

Link:

http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2025%20SUB%20ENR.htm&yr=2021&sessty=RS&i=2025



farm winery, or mini-distillery may sell and ship alcoholic liquors outside of the state subject to provisions of this chapter.

Link: <https://www.wvlegislature.gov/wvcode/ChapterEntire.cfm?chap=60&art=4§ion=3#4>

§ 60-4-3a. Distillery and mini-distillery license to manufacture and sell.

(a) *Sales of liquor.* — An operator of a distillery, mini-distillery, or micro-distillery may offer liquor for retail sale to customers from the distillery, mini-distillery, or micro-distillery for consumption off premises only. Except for complimentary samples offered pursuant to §60-6-1 of this code, customers may not consume any liquor on the premises of the distillery, mini-distillery, or micro-distillery and except for a distillery, mini-distillery, or micro-distillery that obtains a private manufacturer club license set forth in §60-7-1 *et seq.* of this code, and a Class A retail dealer license set forth in §11-16-1 *et seq.* of the code: *Provided*, That a licensed distillery, mini-distillery, or micro-distillery may offer complimentary samples of alcoholic liquors as authorized this subsection when alcoholic liquors are manufactured by that licensed distillery, mini-distillery, or micro-distillery for consumption on the licensed premises. Notwithstanding any other provision of law to the contrary, a licensed distillery, mini-distillery, or micro-distillery may sell, furnish, and serve alcoholic liquors when licensed accordingly beginning at 6:00 a.m. unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) *Retail off-premises consumption sales.* — Every licensed distillery, mini-distillery, or micro-distillery shall comply with the provisions of §60-3A-9, §60-3A-11, §60-3A-13, §60-3A-16, §60-3A-17, §60-3A-18, §60-3A-19, §60-3A-22, §60-3A-23, §60-3A-24, §60-3A-25, and §60-3A-26 of this code, and the provisions of §60-3-1 *et. seq.* and §60-4-1 *et. seq.*, of this code, applicable to liquor retailers and distillers.

(e) *Limitations on licensees.* — A distillery, mini-distillery, or micro-distillery may not sell more than 3,000 gallons of product at the distillery, mini-distillery, or micro-distillery location during the initial 24 month period of licensure. The distillery, mini-distillery, or micro-distillery may increase sales at the distillery, mini-distillery, micro-distillery location by 2,000 gallons following the initial 24 month period of licensure and may increase sales at the distillery, mini-distillery, or micro-distillery location each subsequent 24 month period by 2,000 gallons, not to exceed 10,000 gallons a year of total sales at the distillery, mini-distillery, or micro-distillery location. No licensed mini-distillery may produce more than 50,000 gallons per calendar year at the mini-distillery location. A licensed micro-distillery may not produce more than 10,000 gallons per calendar year at the micro-distillery location. The commissioner may issue more than one distillery or mini-distillery license to a single person or entity and a person may hold both a distillery and a mini-distillery license. The owners of a licensed distillery, mini-distillery, or micro-distillery may operate a winery, farm winery, brewery, or as a resident brewer as otherwise specified in the code.

Link: <https://www.wvlegislature.gov/wvcode/ChapterEntire.cfm?chap=60&art=4§ion=3A#4>

§ 60-6-13. Restrictions on importing into, and transporting liquors in state.

Except as permitted by section six of this article and article eight of this chapter, a person shall not import into, or transport in this state, any alcoholic liquors, unless it is:

(3) Transported into the state or through the state to persons outside the state upon transportation permits issued by the commissioner.

Link: <https://www.wvlegislature.gov/wvcode/ChapterEntire.cfm?chap=60&art=6§ion=13#6>

WISCONSIN

Shipment Outbound – Silent. However, the legislative intent of Wisconsin's alcohol laws states that face-to-face retail sales at licensed premises directly advance the state's interest in preventing alcohol sales to underage or intoxicated persons and the state's interest in efficient and effective collection of tax, so Wisconsin authorities



could point to the legislative intent of the chapter to prohibit outbound sales, unless the purchase is made at the distiller's premises (Wis. Stat. § 125.01).

Shipment Inbound – No, out-of-state shippers must ship to WI wholesalers, manufacturers, rectifiers or wineries. (Wis. Stat. § 125.58(1)).

Shipment Intra-state – No, manufacturers must ship to WI wholesalers, manufacturers, rectifiers or wineries. Manufacturers may also sell their product to consumers at their premises, for consumption on or off the premises (Wis. Stat. § 125.52(1)(b)(1); (2)).

COVID-19 Measures – The guidelines related to COVID-19 state that distilleries may sell alcohol beverages in original, sealed containers on a "carry-out" basis only, and only where permitted by municipal ordinance. All sales of alcohol beverages must occur in a face-to-face transaction.

Citation (shipment)

Wisconsin Statutes

§ 125.01 Legislative intent.

It is further the intent of the legislature that without a specific statutory exception, all sales of alcohol beverages shall occur through the 3-tier system, from manufacturers to wholesalers holding a permit to retailers to consumers. Face-to-face retail sales at licensed premises directly advance the state's interest in preventing alcohol sales to underage or intoxicated persons and the state's interest in efficient and effective collection of tax.

Link: <https://docs.legis.wisconsin.gov/statutes/statutes/125/i/01>

§ 125.52 Manufacturers' and rectifiers' permits.

(1) Authorized activities.

(b)

1. A manufacturer's or rectifier's permit entitles the permittee to sell intoxicating liquor to wholesalers holding a permit under s. 125.54, to wineries holding a permit under s. 125.53, and to other manufacturers and rectifiers holding a permit under this section, from the premises described in the permit. Except as provided in subd. 2., no sales may be made for consumption on the premises of the permittee.

2. Notwithstanding s. 125.09 (1), a manufacturer's or rectifier's permit authorizes the retail sale of intoxicating liquor that is manufactured or rectified on the premises, for consumption on or off the premises. A manufacturer's or rectifier's permit also authorizes the provision of taste samples, free of charge and in an amount not exceeding a total of 1.5 fluid ounces to any one person, of intoxicating liquor that is manufactured or rectified on the premises, for consumption on the premises. The department may prescribe additional regulations for the sale of intoxicating liquor under this subdivision, if the additional regulations do not conflict with the requirements applicable to holders of "Class B" licenses. Notwithstanding any other provision of this chapter, the authorization under this subdivision applies with respect to a person who holds any permit under this section, a winery permit under s. 125.53, and either a "Class A" license or a "Class B" license issued under s. 125.51 (3) (am), all issued for the same premises or portions of the same premises.

Link: <https://docs.legis.wisconsin.gov/statutes/statutes/125/iii/52>

§ 125.58 Out-of-state shippers' permit; exception to requirement.

(1) The department shall issue out-of-state shippers' permits which authorize persons located outside this state to sell or ship intoxicating liquor into this state. Except as provided under sub. (4), intoxicating liquor may be shipped into this state only to a person holding a wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a permit under this section, to a person holding a



manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s. 125.53. Except as provided under sub. (4), a separate out-of-state shipper's permit is required for each location from which any intoxicating liquor is sold or shipped into this state, including the location from which the invoices are issued for the sales or shipments. Any person holding an out-of-state shipper's permit issued under this section may solicit orders for sales or shipments by the permittee without obtaining the sales solicitation permit required by s. 125.65, but every agent, salesperson or other representative who solicits orders for sales or shipments by an out-of-state shipper shall first obtain a permit for soliciting orders under s. 125.65. No holder of an out-of-state shipper's permit issued under this section may sell intoxicating liquor in this state or ship intoxicating liquor into this state unless the out-of-state shipper is the primary source of supply for that intoxicating liquor.

Link: <https://docs.legis.wisconsin.gov/statutes/statutes/125/iii/58>

Citation (COVID-19)

Emergency Order #8

6.a.i.2.

Alcohol Beverage Guidelines and Information Related to COVID-19

- Brewers, manufacturers (distilleries), rectifiers, Class "A" beer, "Class A" liquor, Class "B" beer, and "Class B" liquor license holders may sell alcohol beverages in original, sealed containers on a "carry-out" basis only, and only where permitted by municipal ordinance. Breweries and Class "B" beer license holders may continue to sell growlers of beer for "carry-out" only. Class "A" and "Class A" license holders may not offer samples of alcohol beverages for consumption on the premises.
 - All sales of alcohol beverages must occur in a face-to-face transaction.
 - Establishments must abide by applicable state and/or municipally-imposed closing hours for "carry-out" sales.
 - Patrons may enter the establishments only for the purposes of picking up and paying for food or beverages, unless the establishment is identified as exempt in the Emergency Order (e.g., grocery stores, convenience stores, hotels, motels, etc.).
 - Lines for "carry-out" must have an environment where patrons and staff maintain social distancing (six feet away from other people), and establishments must abide by the prohibition on gatherings of 10 people per Department of Health Services order.
 - Permittees wishing to amend their premises may submit requests to DOR, where they will be expeditiously considered. Licensees should work with their municipalities to amend their premises. Municipalities are encouraged to work with licensees to expedite such requests, given the emergency.

Link:

<https://libationlawblog.com/wp-content/uploads/2020/03/NEW-AB-COVID-19-Guidance-Documents-Wisconsin-Department-of-Revenue-Alcohol-Delivery-brewery-delivery-beer-delivery-distillery-delivery-winery-delivery.pdf>

WYOMING

Shipment Outbound – Silent.

Shipment Inbound – No, the WY Liquor Division is the exclusive wholesale distributor and seller of alcoholic liquor within Wyoming (Wyo. Stat. § 12-2-301(a)).



Shipment Intra-state – No, however, manufacturers may sell liquor to consumers at their licensed premises and at no more than two satellite locations (Wyo. Stat. § 12-5-201; § 12-2-203).²⁶

COVID-19 Measures – The Department of Revenue waived penalty and interest for severance taxes that are filed late through the month of June. Sales and use tax filings will be handled on a case by case basis.

Link: <https://drive.google.com/file/d/1nERE7Lh-vISSU2Btu1oXxnVDr2OQ5MBk/view>

Citation (shipment)

WY Statutes

12-2-301. Generally.

(a) Except as provided in W.S. 12-2-203(g), the division is the exclusive wholesale distributor and seller of alcoholic liquor within Wyoming. It is granted the sole right to sell alcoholic liquors at wholesale, and no licensee or permittee who is granted the right to sell, distribute or receive alcoholic liquors at retail shall purchase any alcoholic liquors from any source other than the division, unless as authorized pursuant to W.S. 12-4-201(j) or as otherwise expressly authorized by state law. Any out-of-state shipment of alcoholic liquor or malt beverage into this state is prohibited unless otherwise expressly authorized by state law.

12-5-201. Location, regulation and restrictions as to place of sale; inspections.

(a) Except as otherwise provided in this section, the principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in the licensed building for which the license is issued and as approved by the licensing authority. Alcoholic beverages may be served only in the licensed building and in an immediately adjacent fenced or enclosed area as approved by the local licensing authority. This adjacent area shall not be in another building. The licensing authority shall, as often as necessary, inspect the licensed building and adjacent areas where alcoholic beverages are served to insure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws.

12-2-203. Manufacturing and rectifying; importing and industry representatives; licensing; fees.

(g) The local licensing authority may issue to the holder of a manufacturer's license granted under subsection (a) of this section who is a federally licensed distiller or rectifier:

(i) A satellite manufacturer's permit which allows the permittee to sell product manufactured at the site identified on the manufacturer's license at not more than two (2) satellite locations within Wyoming separate from its manufacturing site under the original permit. Products sold at a manufacturer's satellite location may be obtained through the division as provided by W.S. 12-2-303(a). If a satellite location is situated within the property boundary of the manufacturing site, the product may be distributed directly from the permit holder's manufacturing site subject to W.S. 12-2-303(d). The satellite manufacturer's permit may be issued on application to the appropriate licensing authority. The local licensing authority may require a public hearing and the payment of an additional permit fee not to exceed one hundred dollars (\$100.00) per satellite location. The satellite manufacturer's permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours set pursuant to W.S. 12-5-101 and the licensed building provisions pursuant to W.S. 12-5-201.

²⁶ H.B. 13, signed and enacted into law on February 2, 2021, does not permit direct-to-consumer shipping, but the legislation allows a manufacturer licensee with a satellite location to deliver or contract to have delivered their manufactured products to consumers. Sales of alcoholic liquors must take place in the licensed building and orders may be placed by phone, online, or through a mobile application. Deliveries must be completed during the licensee's operating hours on the same day the alcoholic liquors are removed from the inventory of the licensed premise.

Link: <https://www.wyoleg.gov/2021/Enroll/HB0013.pdf>

Current as of July 2021



Link to WY statutes: <https://wyoleg.gov/statutes/compress/title12.pdf>