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HOUSE BILL NO. 1652

Offered January 8, 2003

Prefiled December 30, 2002

A BILL to amend the Code of Virginia by adding a section numbered 4.1-112.1, relating to direct shipments of beer and wine to consumers.

Patrons—Albo, Amundson, Black, Callahan, Devolites, Hugo, Hull, Moran, Petersen, Plum, Reese, Rust, Scott and Van Landingham; Senator: Puller

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 4.1-112.1 as follows:**

§ 4.1-112.1. Direct shipments of beer and wine authorized; regulations of Board.

A. Notwithstanding any other provision in this title to the contrary, any person to whom alcoholic beverages may be lawfully sold may order beer or wine directly from any person lawfully engaged in the retail sale of beer or wine at any location inside or outside of the Commonwealth and make arrangements to have such beer or wine shipped as provided in this section.

B. All such orders shall be for personal use only and not for resale. Any seller shipping beer or wine in accordance with this section shall ship such beer or wine to a government store that has been designated to be consignee of such shipment by the consumer placing the order. Any seller with whom an order for beer or wine has been placed pursuant to this section shall cause the shipping container to contain language conspicuously stating that the container contains alcoholic beverage products.

C. Any orders for the shipment of beer or wine placed pursuant to this section shall be deemed a sale occurring in Virginia. The Board shall ensure that the applicable beer or wine excise and sales taxes have been collected prior to releasing such shipments to the consumer placing an order. The Board shall not permit the same person to receive shipments of more than 2 cases of wine and 2 cases of beer per month. For the purpose of the preceding sentence, a case of wine means any number of sealed containers containing an aggregate of no more than 9,000 milliliters of wine and a case of beer means any number of sealed containers containing an aggregate of no more than 288 ounces of beer.

D. Any shipments of beer or wine received by a government store pursuant to this section that have not been picked up by the consumer placing the order within 30 days after receipt of the shipment by the designated government store shall become the property of the Board. The risk of loss or damage to any products shipped pursuant to this section shall not be borne by the Board.

E. The Board shall adopt regulations as it deems appropriate for the administration and control of transactions authorized by this section. All consumers and sellers engaging in transactions authorized by this section shall comply with applicable Board regulations, copies of which shall be made available to the public upon request. The Board may establish a reasonable handling fee to be collected from a consumer receiving beer or wine shipped pursuant to this section. The Board shall prescribe a standard form bill of lading to accompany shipments authorized by this section, a copy of which shall be mailed to the consumer by the seller at the time the beer or wine ordered by that consumer is shipped.

2. That the Alcoholic Beverage Control Board shall adopt regulations reasonably required for the implementation and administration of the provisions of this act on an emergency basis to become effective on or before August 31, 2003.

INTRODUCED

HB1652