

13102823D

HOUSE BILL NO. 1600

Offered January 9, 2013

Prefiled January 6, 2013

A BILL to amend and reenact § 4.1-327 of the Code of Virginia, relating to alcoholic beverage control; transfers of wine.

Patron—Anderson

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 4.1-327 of the Code of Virginia is amended and reenacted as follows:****§ 4.1-327. Prohibiting transfer of wine or beer by licensees; penalty.**

A. No retail licensee, except (i) a retail on-premises wine and beer licensee or, (ii) a retail on-premises beer licensee, or (iii) a retail off-premises or on-and-off-premises licensee in accordance with subsection B, shall transfer any wine or beer from one licensed place of business to another licensed place of business whether such places of business are following conditions under the same ownership or not.

B. A retail off-premises or on-and-off-premises licensee may transfer any wine from one licensed place of business to another licensed place of business (i) only for the purpose of balancing inventory, correcting shipment errors, or other similar good business practices and (ii) provided:

1. The transferring and receiving licensees are under common ownership or control;

2. The transferring licensee is involved in no more than one transfer as transferor in any three-month period;

3. No more than 100 cases of wine in any three-month period are transferred, regardless of to whom the wine is transferred;

4. The transferring and receiving licensees are located in the assigned sales territory of the distributor that sold the wine to be transferred to the transferring licensee;

5. Prior to any such transfer, the transferring licensee obtains a permit from the Board to authorize the transfer;

6. Prior to or contemporaneously with any such transfer, the transferring licensee provides notice in writing or by verifiable electronic format, to each distributor that distributes the transferred product within the relevant sales territory, identifying (i) the transferring and receiving licensees, (ii) the date of the transfer, and (iii) the quantity and items transferred; and

7. Following such transfer, the transferring licensee provides to the Board a statement of permit compliance, signed by both the transferring and receiving licensees.

As used in this subsection, "cases" means nine liters of wine, regardless of package size.

C. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.

INTRODUCED

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