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HOUSE BILL NO. 319

Offered January 12, 1996

A BILL to amend the Code of Virginia by adding a section numbered 4.1-310.1, relating to alcoholic beverage control; interstate sales of wine.

Patron—Davies

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 4.1-310.1 as follows:****§ 4.1-310.1. Reciprocal interstate sales of wine.**

A. Notwithstanding the provisions of § 4.1-310, and to permit shipments of wine for personal use in accordance with this section:

1. Any person or licensee in a state which affords Virginia licensees or persons a reciprocal shipping privilege without the imposition of state tax, fees or charges, may ship for personal use and not for resale, not more than two cases of wine per month, each case containing no more than nine liters, to any person who may lawfully possess wine in the Commonwealth without the imposition of state taxes, fees or charges, provided that the shipper is not a Virginia licensee. Delivery of a shipment pursuant to this subdivision shall not constitute a sale in Virginia, and nothing in this title shall apply to such shipments.

2. Any person or licensee in Virginia may ship for personal use and not for resale, not more than two cases of wine per month, each case containing no more than nine liters, directly to persons who may lawfully possess wine in a state which grants a reciprocal shipping privilege to Virginia persons or licensees. Such shipment from Virginia to another state shall constitute a sale in Virginia.

B. The shipping container of wine sent into or out of the Commonwealth in accordance with subsection A shall be labeled clearly to indicate that the container cannot be delivered to a person who the deliverer knows or has reason to believe is (i) less than twenty-one years of age, (ii) interdicted, or (iii) intoxicated.

C. No person or licensee located outside of the Commonwealth may advertise in Virginia the availability of such interstate reciprocal wine shipments to Virginia residents.

D. Notwithstanding any other provision of this title, a winery as defined in § 4.1-401, which is located outside Virginia, may furnish American wine which such winery produces and bottles for wine-tasting events in Virginia, provided that such winery notifies and receives the approval of the Board. This privilege shall extend to wineries in those states which accord Virginia wineries a substantially equal reciprocal wine-tasting privilege. The winery desiring to furnish wine in accordance with this subsection shall provide to the Board certification by the appropriate out-of-state official of such state's reciprocal wine-tasting privilege.

INTRODUCED

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