
CONTROL STATE WINERY LAW - 2011

Summary & Code Reference

Alabama Winery Association, LLC

Control State Three-Tier Exceptions (Wineries)

Alcohol Control States NACBA Members	Wine Consumption 2009 (Cases)	Farm or Limited Winery Cap (Gallons)	Three-Tier Exception Self Distribution	Self Distribution Limitations	Tasting Rooms Winery Plus (Additional)	Farmers Market Retail Events
Alabama (current)	2,785,000	No Cap	<u>NO</u>	<u>NOT ALLOWED</u>	WINERY (0)	<u>NO</u>
Alabama (Native Wine)	2,785,000	100,000	YES	100,000 gallons	WINERY (0)	YES
<i>Florida</i> ¹		250,000	YES	250,000 gallons	WINERY (+)	-
<i>Georgia</i> ²		No Cap	YES	24,000 gallons	WINERY(5)	-
Idaho	1,310,000	No Cap	YES	No Limit	WINERY (+)	YES
Iowa	1,374,167	No Cap	YES	No Limit	WINERY (0)	YES
Maine	1,515,000	50,000	YES	50,000 gallons (farm winery)	WINERY (2)	YES
Maryland	5,255,000	27,500	YES	27,500 gallons	WINERY (+)	YES
Michigan	7,931,250	No Cap	YES	No Limit	WINERY (1)	YES
Mississippi ³	890,833	No Cap	YES-ABC	State Retail Delivery - No Limit	WINERY (0)	<u>NO</u>
Montana	903,333	No Cap	YES	10,800 gallons	WINERY (0)	YES
New Hampshire	2,620,417	No Cap	YES	Domestic Wine Only (farm)	WINERY (0)	YES
North Carolina	6,549,167	100,000	YES	100,000 gallons	WINERY(3)	YES
Ohio	7,895,417	250,000	YES	250,000 gallons	WINERY (0)	<u>NO</u>
Oregon	4,927,083	200,000	YES	200,000 gallons	WINERY(2)	YES
Pennsylvania ³	7,827,917	200,000	YES-ABC	200,000 gal, ABC, Licensed retailers	WINERY(5)	YES
Utah ³	945,833	No Cap	YES-ABC	Retail Pick-Up; Reduced ABC Mark-up	WINERY (0)	<u>NO</u>
Vermont	1,050,833	No Cap	YES	2,000 gallons	WINERY (0)	YES
Virginia	8,089,583	No Cap	YES - COOP	7,200 gallons	WINERY(5)	YES
Washington	8,724,583	66,667	YES	66,666 gallons	WINERY(2)	YES
West Virginia	497,500	50,000	YES	50,000 gallons (farm winery)	WINERY(1)	YES
Wyoming ³	319,167	No Cap	YES-ABC	40 gallons before offering to ABC	WINERY(3)	<u>NO</u>
U.S. Government	294,101,667	250,000	YES	Included in Federal Winery License	YES	YES

¹ Florida - Not a Control State, BREWERY: Ambev - Jacksonville² Georgia - Not a Control State, HQ Crown and United, BREWERY: SABMiller - Albany, Ambev - Cartersville³ Wine sales by State ABC Stores

ALABAMA WINERY LAWS

Section 28-7-18

Sales by manufacturers; levy of tax.

(a) No manufacturer shall sell any table wine direct to any retailer or for consumption on the premises where sold, nor sell or deliver any such table wine in other than original containers, nor shall any manufacturer maintain or operate within this state any place or places, other than the place or places covered by his or its license where table wine is sold or where orders therefor are taken. **Provided, further, that table wine which is manufactured in Alabama may be sold directly at retail by the licensed manufacturer only on the manufacturer's premises, for on-premise or off-premise consumption.**

(b)(1) There is hereby levied and assessed, upon wine manufactured in Alabama and sold by the manufacturer directly at retail on the premises where it is manufactured, as provided in subsection (a), or dispensed, as free samples of not more than six ounces, in the tasting room or wine cellar on the manufacturer's premises, an excise tax, measured by and graduated in accordance with the volume of such wine sold or dispensed, in an amount equal to forty-five cents (\$.45) per liter.

(2) The tax hereby levied on retail sales on a manufacturer's premises shall be added to the sales price of all table wine sold at retail by the manufacturer, as provided in subsection (a), and shall be collected from the consumers making the purchases.

(c) The tax levied by subsection (b) shall be collected by a return and remitted, monthly, as follows:

(1) Not later than the fifteenth day of the month following the month in which table wine was dispensed as free samples or sold at retail as provided in subsection (a), the manufacturer shall file with the board, on a form and in the manner prescribed by the board, a return showing taxes due at thirty-eight cents (\$.38) per liter of the table wine dispensed or sold at retail during the previous month; the taxes due at such rate shall be remitted to the board along with the return.

(2) Not later than the fifteenth day of the month following the month in which table wine was dispensed as free samples or sold at retail as provided in subsection (a), the manufacturer shall file with the municipality within which the table wine was dispensed or sold at retail within its corporate limits, or, where dispensed or sold at retail outside of the corporate limits of any municipality, with the county within which the table wine was dispensed or sold at retail, a return showing taxes at seven cents (\$.07) per liter of the table wine dispensed or sold at retail during the previous month; the taxes due at such rate shall be remitted to the county or municipality along with the return.

(3) All taxes imposed, levied, and collected under this section shall be deposited and credited in the same manner as are other table wine taxes.

(d) Manufacturers who manufacture table wine within Alabama shall provide to the board monthly reports, in the form, time, and manner prescribed by the board, reporting gallonage sold and gallonage exported for sale outside the state during the previous month.

(e) The tax herein levied is exclusive and shall be in lieu of all other and additional taxes of the state, county, and municipality imposed on or measured by the sale or volume of sale of table wine; provided that nothing herein contained shall be construed to exempt the retail sale of table wine from the levy of tax on general retail sales by the state, county, or municipality in the nature of, or in lieu of, a general sales tax.

(Acts 1980, No. 80-382, p. 505, §18; Act 2001-1114, 4th Sp. Sess., p. 1179, §4.)



Title XXXIV	Chapter 561	View
ALCOHOLIC BEVERAGES AND TOBACCO	BEVERAGE LAW: ADMINISTRATION	Entire
		Chapter

561.24 **Licensing manufacturers as distributors or registered exporters prohibited**; procedure for issuance and renewal of distributors' licenses and exporters' registrations.—

(1) A manufacturer, rectifier, or distiller that manufactures, rectifies, or distills spirituous liquors or wine may not be granted a license as a distributor and may not register as an exporter.

(2) A manufacturer, rectifier, or distiller that manufactures, rectifies, or distills spirituous liquors or wine may not be granted a renewal of a license or registration previously held as a distributor or exporter.

(3) If the applicant for a distributor's license or exporter's registration, or renewal thereof, is an individual or copartnership, such individual or copartnership is within the provisions of subsection (1) or subsection (2), as the case may be, if the individual or any member of the copartnership is interested or connected, directly or indirectly, with any corporation which is engaged directly or indirectly or through any subsidiary or affiliate corporation, including any stock ownership as set forth in subsection (4), in manufacturing, rectifying, or distilling spirituous liquors or wine. If any individual or any member of such copartnership within 6 months next preceding the making of an application hereunder has been interested or connected as provided by this subsection, such individual or such member of the copartnership shall be prima facie presumed to be so interested or connected with such corporation at the time of the making of the application, and such prima facie presumption shall continue until overcome by the applicant.

(4) If the applicant for a distributor's license or exporter's registration, or for the renewal thereof, is a corporation, such corporation is within the provisions of subsections (1) and (2), as the case may be, if such corporation is affiliated with, directly or indirectly, any other corporation which is engaged in manufacturing, rectifying, or distilling spirituous liquors or wine or if such applicant corporation is controlled by, or the majority of stock therein is owned by, another corporation, which latter corporation is engaged, directly or indirectly, in manufacturing, rectifying, or distilling spirituous liquors or wine.

(5) Notwithstanding any of the provisions of the foregoing subsections, any corporation which holds a license as a distributor on June 3, 1947, shall be entitled to a renewal thereof, provided such corporation complies with all of the provisions of the Beverage Law of Florida, as amended, and of this section and establishes by satisfactory evidence to the division that, during the 6-month period next preceding its application for such renewal, of the total volume of its sales of spirituous liquors, in either dollars or quantity, not more than 40 percent of such spirituous liquors sold by it, in either dollars or quantity, were manufactured, rectified, or distilled by any corporation with which the applicant is affiliated, directly or indirectly, including any corporation which owns or controls in any way any stock in the applicant corporation or any corporation which is a subsidiary or affiliate of the corporation so owning stock in the applicant corporation. Any manufacturer of wine holding a license as a distributor on the effective date of this act shall be entitled to a renewal of such license notwithstanding the provisions of subsections (1)-(5). This section does not apply to any winery qualifying as a certified Florida Farm Winery under s. [599.004](#).



(6) Any person, copartnership, or corporation applying for a distributor's license under the provisions of this section shall file a written or printed application therefor with the division. Such application shall be sworn to by the applicant or a member of the copartnership or an officer of the corporation, depending upon whether the applicant is an individual, copartnership, or corporation. Forms for such applications shall be provided by the division. Every such application shall set forth clear and detailed information necessary and sufficient to establish the right of the applicant under the provisions of this section to receive a license. The information herein required to be set forth shall be in addition to any information required to be set forth by any other provision of applicable law. Any application failing to comply fully with the provisions of this section shall be denied.

(7) No license of any distributor shall be renewed if the license of such distributor and continuations thereof have been revoked or if the qualifications of such distributor have been impaired.

(8) Any maneuver, shift, or device by any applicant whereby any provision of this section, in any manner, is sought to be avoided or evaded constitutes a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

History.—s. 2, ch. 16774, 1935; CGL 1936 Supp. 4151(228); s. 1, ch. 23899, 1947; s. 3, ch. 63-562; ss. 16, 35, ch. 69-106; s. 559, ch. 71-136; s. 1, ch. 72-230; s. 5, ch. 81-158; s. 1, ch. 85-203; s. 10, ch. 91-60; s. 4, ch. 97-213.

2010 Georgia Code
Title 3 - ALCOHOLIC BEVERAGES
Chapter 6 - WINE
E - 2. STATE LICENSE REQUIREMENTS
AND REGULATIONS FOR
DISTRIBUTION AND SALE
§ . 3-6-21.1 -

O.C.G.A. 3-6-21.1 (2010)

3-6-21.1. Licensing of farm wineries to engage in retail and wholesale sales; surety bond; excise taxes

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

(1) "Farm winery" means a winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located and:

(A) Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or

(B) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

For purposes of this paragraph, the commissioner shall determine what is a substantial portion of such winery premises or agricultural produce.

(2) "Georgia farm winery" means a farm winery which is licensed by the commissioner to manufacture wine in Georgia.

(3) "Tasting room" means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

(b) The commissioner may authorize any Georgia farm winery to offer wine samples and to make retail sales of its wine and the wine of any other Georgia farm winery in tasting rooms at the winery and at five additional locations in the state for consumption on the premises and in

closed packages for consumption off the premises.

(c) (1) The commissioner may authorize any licensee which is a farm winery to sell up to 24,000 gallons per calendar year of its wine at wholesale within the state; provided, however, that the commissioner shall not authorize any licensed farm winery to sell its wine at wholesale unless such licensed farm winery shall have first offered its products for sale at a fair market wholesale price to a licensed Georgia wholesaler and such wholesaler does not accept the farm winery's product within 30 days of such offer.

(2) A farm winery licensee shall also be authorized to sell, deliver, or ship its wine in bulk or in bottles, whether labeled or unlabeled, in accordance with regulations of the commissioner, to Georgia farm winery licensees and shall be authorized to acquire and receive deliveries and shipments of such wine made by Georgia farm winery licensees.

(3) A Georgia farm winery licensee shall be authorized, in accordance with regulations of the commissioner, to acquire and receive deliveries and shipments of wine in bulk from out-of-state producers and shippers in an amount not to exceed 20 percent of its annual production, provided that the Georgia farm winery licensee receiving any such shipment or shipments files timely reports with the commissioner and keeps such records of the receipt of such shipment or shipments as may be required by the commissioner.

(4) Any wine received in bulk pursuant to paragraph(3) of this subsection shall have levied thereon the requisite taxes as prescribed by Code Section 3-6-50, and such taxes shall be reported and remitted to the commissioner as provided in Code Section 3-2-6.

(d) The annual license tax for each license issued pursuant to this Code section shall be \$50.00.

(e) The surety bond required as a condition upon issuance of a license pursuant to this Code section shall be the same as that required pursuant to Code Section 3-6-21 with respect to wineries.

(f) Wines sold at retail by a manufacturer as provided in subsection (b) of this Code section shall have levied thereon an excise tax as prescribed by Code Section 3-6-50, and such tax shall be reported and remitted to the commissioner as provided in Code Section 3-2-6.

HISTORY: Code 1933, 5A-5511, enacted by Ga. L. 1981, p. 1269, 52; Ga. L. 1982, p. 1111, 1, 3; Ga. L. 1983, p. 1116, 1; Ga. L. 1984, p. 1142, 1; Ga. L. 1985, p. 1403, 1; Ga. L. 2001, p. 1026, 1; Ga. L. 2008, p. 773, 1/HB 393; Ga. L. 2009, p. 8, 3/SB 46.



TITLE 23

ALCOHOLIC BEVERAGES

CHAPTER 13

COUNTY OPTION KITCHEN AND TABLE WINE ACT

23-1306. Licenses required -- Application -- Issuance or refusal. Before any person shall manufacture, import into this state, manufacture, bottle or broker for resale within this state, possess for resale, or distribute or sell wine within the state of Idaho, he shall apply to the director for a license to so do. The application form shall be prescribed and furnished by the director and require that the applicant therein show that he possesses all of the qualifications and none of the disqualifications of a licensee. A person may apply for and receive a license as both a distributor and importer, if otherwise qualified therefor, and shall pay the license fee required pursuant to this chapter for each license. **A winery licensed under this chapter shall also be considered as holding, for the purposes of selling a product processed and bottled by or for that winery, a current retail wine license and wine by the drink license for the licensed premises and for use at functions and events identified in section 23-1338, Idaho Code, and a current wine distributor's and importer's license, without further application or fee.** If the director is satisfied that the applicant possesses the qualifications and none of the disqualifications for such license, he shall issue a license for each classification applied for, subject to the restrictions of and upon the conditions specified in this chapter. The license or licenses issued shall be at all times prominently displayed in the place of business of the licensee. If the director determines that the applicant is not properly qualified, he shall refuse to issue a license and shall forthwith so notify the applicant and shall return to the applicant with such notification, three-fourths (3/4) of the license fee remitted with the application. A separate retail wine by the drink license, and wine distributor's license shall be required for each premises. Provided, however, nothing herein shall prohibit a distributor or retailer or wine by the drink licensee from possessing licenses for more than one (1) premises.

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IOWA WINERY CODE

<http://coolice.legis.state.ia.us/cool-ice/default.asp?category=billinfo&service=iowacode&ga=83&input=123#123.56>

123.56 NATIVE WINES.

1. Subject to rules of the division, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class "A" wine permit as required by this chapter, may sell, keep, or offer for sale and deliver the wine. Sales may be made at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class "A" or retail wine permittees or liquor control licensees as authorized by the class "A" wine permit.

2. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale native wines may be sampled on the premises where made, when no charge is made for the sampling. A person may manufacture native wine for consumption on the manufacturer's premises, when the wine or any part of it is not manufactured for sale.

3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside and outside this state. The manufacturer shall label the package containing the wine with the words "deliver to adults only".

4. Notwithstanding section 123.179, subsection 1, a class "A" wine permit for a native wine manufacturer shall be issued and renewed annually upon payment of a fee of twenty-five dollars which shall be in lieu of any other license fee required by this chapter. The class "A" permit shall only allow the native wine manufacturer to sell, keep, or offer for sale and deliver the manufacturer's native wines as provided under this section.

5. Notwithstanding any other provision of this chapter, a person engaged in the business of manufacturing native wine may sell native wine at retail for consumption on the premises of the manufacturing facility by applying for a class "C" native wine permit as provided in section 123.178B. A manufacturer of native wine may be granted not more than one class "C" native wine permit.

6. Notwithstanding any other provision of this chapter, a person employed by a class "A" native wine permittee may be employed by a brewery with a class "A" native beer permit provided the person has no ownership interest in either licensed premises.

7. For the purposes of this section, "manufacturer" includes only those persons who process in Iowa the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines.

Section History: Early Form

[C35, § 1921-f56; C39, § 1921.056; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 123.56]

Maine Revised Statutes

§1351§1356

Title 28-A: LIQUORS HEADING: PL 1987, C. 45, PT. A, §4 (NEW)

**Part 3: LICENSES FOR SALE OF LIQUOR HEADING: PL 1987, C. 45,
PT. A, §4 (NEW)**

**Subpart 3: NON-RETAIL SALES HEADING: PL 1987, C. 45, PT. A, §4
(NEW)**

**Chapter 51: CERTIFICATE OF APPROVAL HOLDERS HEADING: PL
1987, C. 45, PT. A, §4 (NEW)**

**Subchapter 2: MANUFACTURERS HEADING: PL 1987, C. 45, PT. A, §4
(NEW)**

§1355. Manufacturer licenses

1. Issuance of licenses. The bureau may issue manufacturer licenses to distill, rectify, brew or bottle spirits, wine or malt liquor to distillers, rectifiers, brewers, bottlers and wineries, as defined in section 2, operating under federal law and federal supervision.

[1993, c. 730, §46 (AMD) .]

1-A. Breweries. The following provisions apply to the manufacturer's license issued to a brewery other than a small brewery licensed under subsection 2.

A. The holder of a brewery license may produce malt liquor in an amount exceeding 50,000 gallons a year. [1987, c. 623, §15 (RPR).]

B. The holder of a brewery license may permit sampling of the malt liquor product on the premises:

(1) By employees for the purpose of quality control of the product;

(2) By wholesalers for the purpose of determining whether to carry the brewery's product as a wholesale product, provided that the holder of the brewery license pays the excise tax on the product sampled according to section 1652; and

(3) By the public in conjunction with a tour of the brewery's facilities, provided that:

(a) The holder of the brewery license pays the excise tax on the product sampled according to section 1652; and

(b) Minors are not permitted to consume or possess any liquor or imitation liquor as defined in section 2. [2001, c. 501, §1 (AMD).]

C. The holder of a brewery license may sell on the brewery premises during regular business hours to nonlicensees only a specialty package of malt liquor produced at the brewery. The volume of the specialty package may not exceed 15.5 gallons and must be consumed off the premises. The sale of specialty packages described in this paragraph must comply with keg tagging requirements provided in section 714. The brewery shall submit a monthly report to its wholesaler detailing sales made directly from the brewery premises. The wholesaler shall calculate the fees for any bottle deposit and submit an invoice to the brewery for expenses associated with the requirements prescribed in Title 32, chapter 28 including the retailer handling fee, state container deposit and a mutually agreed-upon pick-up fee. [2001, c. 236, §1 (AMD) .]

D. The holder of a brewery license may sell the brewery's product to wholesalers. [1987, c. 623, §15 (RPR).]

E. The holder of a brewery license may be issued one license under chapter 43 per brewery location for the sale of liquor to be consumed on the premises at the brewery.

(1) The retail license must be held exclusively by the holder of the brewery license.

(2) This retail license authorizes the sale of products of the brewery, other than the specialty package under paragraph C, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(3) Notwithstanding section 1361, the brewery licensee may sell products of the brewery directly to the retail licensee under this paragraph without selling to a wholesale licensee. The brewery licensee shall keep and maintain complete records on all sales to the retail licensee.

(4) All records of the brewery licensee must be kept separate from the records of the retail licensee. [1999, c. 790, Pt. A, §34 (RPR).]

[2001, c. 236, §1 (AMD); 2001, c. 501, §1 (AMD) .]

2. Small breweries. The following conditions apply to licenses issued to small breweries.

A. A holder of a small brewery license may produce malt liquor containing 25% or less alcohol by volume in an amount not to exceed 50,000 gallons per year. [1993, c. 730, §46 (AMD) .]

A-1. A holder of a small brewery license may permit sampling of the malt liquor product on the premises for the following purposes.

(1) Employees may sample the product for the purpose of quality control of the product.

(2) Wholesalers and retailers may sample the product for the purpose of determining whether to carry the product as a wholesale or retail product, provided that the holder of the small brewery license pays the excise tax on the product sampled according to section 1652.

(3) The public may sample the product in conjunction with a tour of the brewery's facilities, provided that:

(a) The holder of the small brewery license pays the excise tax on the product according to section 1652; and

(b) Minors are not permitted to consume or possess any liquor or imitation liquor as defined in section 2. [2001, c. 501, §2 (AMD).]

B. A holder of a small brewery license may sell, on the premises during regular business hours, malt liquor produced at the brewery by the bottle, by the case or in bulk. [1993, c. 730, §46 (AMD) .]

C. A holder of a small brewery license may sell or deliver the product to licensed retailers and wholesalers. The licensee may sell, on the premises for consumption off the premises, malt liquor produced at the brewery by the bottle, case or in bulk to licensed retailers, including, but not limited to, off-premise retail licensees, restaurants and clubs. [1993, c. 730, §46 (AMD) .]

D. A holder of a small brewery license may apply for one license for the sale of liquor to be consumed on the premises for a location other than the brewery. [1993, c. 730, §46 (AMD) .]

E. A holder of a small brewery license may list on product labels and in its advertising the list of the ingredients and the product's average percentage of the recommended daily allowances of nutritional requirements. [1993, c. 730, §46 (AMD) .]

[2001, c. 504, §2 (AMD) .]

2-A. Small breweries that exceed production limit; license renewal. The bureau, upon application by the holder of a small brewery license whose brewery has produced malt liquor in

an amount that exceeds 50,000 gallons in one year, may renew that holder's small brewery license for only one additional year.

[2001, c. 236, §2 (NEW) .]

2-B. Limited sale of malt liquor for off-premises consumption from on-premises establishment. Notwithstanding any provision of this Title to the contrary, a brewery or small brewery licensed in accordance with this section may sell from the establishment at the site of the brewery licensed for the sale of alcoholic beverages to be consumed on the premises malt liquor to be consumed off the premises under the conditions specified in this subsection.

A. Only malt liquor brewed at the brewery where the on-premises establishment is licensed may be sold to patrons of the on-premises establishment. [2009, c. 167, §1 (NEW).]

B. Malt liquor must be dispensed in bottles from 32 ounces to 64 ounces in volume provided by and unique to the brewery. [2009, c. 167, §1 (NEW).]

C. No more than 6 bottles may be prefilled at any one time. [2009, c. 167, §1 (NEW).]

D. A deposit may be charged per bottle. Bottles sold under this subsection are not subject to Title 32, chapter 28. [2009, c. 167, §1 (NEW).]

E. The bottle in which the malt liquor is dispensed must be sealed by the licensee with a seal that is tamper evident. [2009, c. 167, §1 (NEW).]

F. Malt liquor dispensed in accordance with this subsection must be consumed off the premises. [2009, c. 167, §1 (NEW).]

G. All sales of malt liquor from the on-premises establishment for off-premises consumption must be accompanied by a sales receipt with a time stamp that indicates time of purchase. [2009, c. 167, §1 (NEW).]

H. Sale of malt liquor from the on-premises establishment for off-premises consumption may not be made after 10:00 p.m. [2009, c. 167, §1 (NEW).]

The bureau is authorized to adopt rules necessary to enforce this subsection. Rules adopted in accordance with this subsection are routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A.

[2009, c. 167, §1 (NEW) .]

3. Farm wineries. The following conditions apply to farm wineries.

A. A holder of a farm winery license may produce wines and sparkling wines in an amount not to exceed **50,000 gallons a year**. [1993, c. 730, §46 (AMD).]

A-1. A holder of a farm winery license may fortify wine produced by the farm winery license holder and import spirits solely for this purpose. If the farm winery license holder produces fortified wine pursuant to this paragraph, the combined total of wine, sparkling wine and fortified wine produced at the farm winery may not exceed 50,000 gallons per year. For purposes of this paragraph, "fortified wine" means wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume. [1999, c. 535, §6 (NEW).]

B. A holder of a farm winery license may serve complimentary samples of wine and sell, during regular business hours, wines produced at the winery by the bottle, by the case or in bulk on the premises of the winery to persons who are not minors. A holder of a farm winery license may serve complimentary samples of wine on Sunday after the hour of 12 noon and may sell wines on Sunday after the hour of 12 noon if the municipality in which the winery is located has authorized the sale of wines on Sunday for consumption off the premises under chapter 5. [1993, c. 730, §46 (AMD).]

C. A holder of a farm winery license, upon application to and approval of the bureau and payment of the license fees, may obtain licenses for up to **2 additional locations** other than the winery licensed under this subsection. The holder of the licenses is not required to conduct any

bottling or production of wine at the additional licensed locations but may conduct all activities permitted by this section at the winery. [1999, c. 275, §2 (AMD).]

D. A holder of a farm winery license may sell or deliver the product to licensed retailers and wholesalers and may sell, on the premises, wine produced at the winery by the bottle, by the case or in bulk to licensed retailers, including, but not limited to, off-premise retail licensees, restaurants and clubs. [1993, c. 730, §46 (AMD).]

[1999, c. 535, §6 (AMD) .]

4. Bottlers.

[1987, c. 342, §107 (RP) .]

5. Maine farm wineries.

[1987, c. 342, §107 (RP) .]

6. Other wineries.

[1987, c. 342, §107 (RP) .]

7. Wineries.

[1987, c. 342, §107 (RP) .]

8. Small brewer distiller license. The following conditions apply to small brewer distiller licenses.

A. To be eligible for a small brewer distiller license, a person must hold a small breweries license under subsection 2 and obtain a basic permit for distilling, rectifying, blending and bottling spirits from the federal Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives. [2005, c. 377, §1 (NEW).]

B. A holder of a small brewer distiller license may produce distilled spirits in an amount not to exceed 30,000 gallons per year. [2005, c. 377, §1 (NEW).]

C. A holder of a small brewer distiller license may hold up to 3 Maine retail licenses for the sale of liquor to be produced at the distillery and to be consumed on the premises at a connected establishment. For purposes of this paragraph, "connected establishment" means a Class A restaurant or Class A restaurant/lounge that is owned in whole or in part by the holder of the small brewer distiller license. All records of the small brewer distiller license must be kept separate from the records of the retail licensee. [2005, c. 377, §1 (NEW).]

D. Spirits produced by a holder of a small brewer distiller license must be sold to the State and are subject to the listing, pricing and distribution provisions of this Title. [2005, c. 377, §1 (NEW).]

E. A holder of a small brewer distiller license may permit sampling of the spirits on the distillery premises by employees for quality control purposes. [2005, c. 377, §1 (NEW).]

F. A holder of a small brewer distiller license may list on a product's label and in its advertising the ingredients and the product's average percentage of the recommended daily allowances of nutritional requirements. [2005, c. 377, §1 (NEW).]

G. The holder of a small brewer distiller license is subject to all inspections and other oversight applied to large distilleries in the State by the State Government and the Federal Government. [2005, c. 377, §1 (NEW).]

[2005, c. 377, §1 (NEW) .]

9. Small brewer distiller licensee that exceeds production limit; license renewal. The bureau, upon application by the holder of a small brewer distiller license whose distillery has produced distilled spirits in an amount that exceeds 30,000 gallons in one year, may renew that holder's small brewer distiller license for only one additional year.

[2005, c. 377, §1 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 248, (AMD). 1987, c. 342, §107 (RPR). 1987, c. 623, §15 (RPR). 1993, c. 60, §1 (AMD). 1993, c. 542, §§1,2 (AMD). 1993, c. 730, §46 (AMD). 1997, c. 373, §113 (AMD). 1999, c. 275, §2 (AMD). 1999, c. 535, §6 (AMD). 1999, c. 790, §A34 (AMD). 2001, c. 236, §§1,2 (AMD). 2001, c. 501, §§1,2 (AMD). 2005, c. 377, §1 (AMD). 2009, c. 167, §1 (AMD).

Data for this page extracted on 02/09/2011 10:14:34.

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7 State House Station

State House Room 108

Augusta, Maine 04333-0007

SB 812

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 812

(Senator Middleton, *et al.*)

Education, Health, and Environmental Affairs

Economic Matters

**Alcoholic Beverages - Limited Wine Wholesaler's License and Nonresident
Winery Permit**

This emergency bill creates a Class 6 limited wine wholesaler's license and a nonresident winery permit, which would allow small wineries to sell their product directly to retailers. The bill limits the authority conferred by a Class 4 manufacturer's license (limited winery), so that the holder may only sell and deliver its product to any wholesale licensee or permit holder in this State or person outside of the State authorized to acquire it. The fees for the Class 6 limited wine wholesaler's license and nonresident winery permit are \$50, respectively.

Fiscal Summary

State Effect: Potential increase in enforcement and auditing expenditures for the Comptroller's Office. Potential increase in license and permit fee revenues, and a potential minimal increase in State excise and sales tax revenue.

Local Effect: Potential decrease in dispensary revenues in counties operating an alcoholic beverages dispensary system. Expenditures would not be affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A Class 6 limited wine wholesaler's license may only be issued to wine manufacturers that: (1) produce no more than 27,500 gallons of wine per year; and (2) hold a Class 4 limited winery manufacturer's license issued by the State. A Class 6 limited wine wholesaler is authorized to sell its own brand of wine produced at the license holder's premises to a retail licensee or permit holder in the State authorized to

acquire it; however, the licensee may not sell its wine to a licensed wholesaler. A holder of a Class 6 limited wine wholesaler's license and a Class 4 limited wine manufacturer's license may hold a Class A light wine license.

A **nonresident winery permit** may only be issued to a person that is: (1) licensed out-of-state to manufacture wine and (2) produces no more than 27,500 gallons of wine per year. A nonresident winery permit holder may not hold a nonresident dealer's permit. The permit holder is authorized to sell and delivery its own wine directly to a retail licensee or permit holder in the State authorized to acquire it and must comply with all applicable alcoholic beverages laws, lax laws, and regulations of the Office of the Comptroller. Moreover, the holder of a nonresident winery permit is subject to the current provisions of law: (1) prohibiting the granting of discounts, rebates, allowances, free goods, or other inducements to selected licensees; (2) authorizing the Comptroller to prescribe the maximum discounts allowable on wine; and (3) regarding the filing of prices at which wine is to be sold. The permit holder is responsible for the alcoholic beverages taxes on the wine sold or delivered in the State and must post security for the alcoholic beverages taxes with the Comptroller.

Current Law: A Class 3 manufacturer's license authorizes the holder to sell and deliver wine to any wholesale licensee or permit holder in the State, or a person outside of the State authorized to acquire it. A Class 4 manufacturer's license authorizes the holder to sell and deliver wine and pomace brandy to any licensee or permit holder in the State or outside of the State authorized to acquire it.

Granholm v. Heald

In the *Granholm v. Heald* decision, the U.S. Supreme Court struck down state laws in Michigan and New York that barred out-of-state wineries from shipping wine to consumers directly. Both New York and Michigan allowed in-state wineries to sell directly to residents the Supreme Court indicated that the U.S. Constitution's protection for the free flow of commerce prohibits discrimination in favor of in-state products.

Comptroller's Administrative Decision (AB-33)

On February 1, 2006, the Comptroller's Office released an administrative decision (AB-33) regarding the sale of wine by holders of a Class 4 manufacturer's license to retailers. In the administrative decision, the Comptroller's Office advised that holders of Class 4 manufacturer's licenses have enjoyed the ability to sell to both Maryland wholesalers and Maryland retailers under an interpretation of statute. Out-of-state wineries, however, have been required to obtain a nonresident dealer's permit and are only authorized to sell to Maryland wholesalers. The release further states that after seeking the advice of the

Attorney General, the term "licensee" must now only be interpreted to mean wholesale licensee in regards to whom a holder of a Class 4 manufacturer's license may sell wine. As such, holders of a Class 4 manufacturer's license are authorized to sell to Maryland wholesalers, but no longer are authorized to sell to Maryland retailers. The administrative decision's restrictions were to begin April 1, 2006. However, in a subsequent administrative release from the Comptroller's Office, AB-34, the restrictions stated in AB-33 were delayed 60 days and take effect June 1, 2006.

The release clarified that sales made by holders of a Class 4 manufacturer's license to consumers at the winery and sales made out-of-state to persons authorized to receive the wine are not affected.

Background: The Comptroller's Office advises that there are currently 22 licensed wineries in the State.

The Maryland Wineries Association advises that four of the State's licensed wineries sell their product through a wholesaler. The 22 wineries in Maryland produce 180 wines. Sales of Maryland wine in calendar 2005 totaled roughly \$8.2 million. There are only two Maryland wineries that produce more than 27,500 gallons of wine per year and would therefore not be eligible for this new Class 6 limited wine wholesaler's license. A third winery that produced 22,000 gallons of wine in 2005 expects to produce 28,000 gallons of wine in 2006 and will be using a wholesaler to sell and distribute its wine this year.

State Fiscal Effect: State general fund revenues could increase by \$250 for each new Class 6 wholesaler's license issued, including the \$50 license fee and a \$200 one-time application fee. For each license renewed, revenues would increase by \$80, including the \$50 license fee and a \$30 renewal application fee. For each nonresident winery permit issued, annual permit fee revenue would increase by \$50. Enforcement and auditing of the bill's provisions for in-State holders of a Class 6 wholesaler's license would be absorbable within existing resources. To the extent that out-of-state wineries obtain a nonresident winery permit, there may be additional enforcement and auditing expenditures. The extent to which enforcement and auditing expenditures increase cannot be reliably quantified at this time, as it would depend on the number of out-of-state wineries obtaining a nonresident winery permit. There could be a potential minimal increase in State excise and sales tax revenue from potential increased sales of wine. In fiscal 2005, Maryland wineries sold approximately 20,802 gallons of wine directly to retailers. Given that wine is taxed at \$0.40 per gallon, the fiscal 2005 tax revenue collected from the sale of Maryland wine directly to retailers was \$8,320. **Exhibit 1** shows wine sales and dispositions by Maryland wineries, as reported in the Comptroller's fiscal 2005 *Alcohol and Tobacco Tax Annual Report*.

Local Fiscal Effect: If counties operating a dispensary system required in the past that wineries sell their products to the dispensary system rather than directly to retailers, allowing wineries to sell directly to retailers could impact revenues from county dispensaries. Four counties (Montgomery, Somerset, Wicomico, and Worcester) operate dispensary systems through which they act as the wholesalers for retail alcoholic beverages licensees in their respective jurisdictions. Montgomery County advises that wineries in the past have sold wine to the Montgomery County Department of Liquor Control, which then would sell and distribute wine to retailers. To the extent that holders of a Class 6 wholesaler's license or a nonresident winery permit would be able to bypass the county's dispensary system and sell directly to retailers, county revenues from its dispensary system could decrease. The revenue decrease cannot be quantified at this time, as it would depend on the amount of wine sold directly to retailers which otherwise would have gone through the county's dispensary system.

Small Business Effect: Most of the State's wineries rely on orders from retailers and restaurants and could not afford to go through a distributor. Thus, these wineries could experience a sharp decline in sales of its product as a result of the Comptroller's administrative decision. Allowing wineries to obtain a wholesalers license could have a potentially meaningful positive impact on wineries without a wholesaler. Exhibit 1 shows wine sales and dispositions by Maryland wineries, as reported in the Comptroller's fiscal 2005 *Alcohol and Tobacco Tax Annual Report*.

Exhibit 1
Maryland Winery Sales and Dispositions
(in gallons)
Fiscal2005

Sales and Dispositions	Amount
Sales to Retailers	20,802
Sales at Winery	62,497
Samples	4,919
Sales to Wholesalers	72,328
Sales Out-of-state	1,035
Other	201
Total	161,782

Source: Comptroller's Office. *Alcohol & Tobacco Tax Annual Report*, Fiscal2005

Michigan Manufacturer & Wholesalers Section License & Permit Types

Wine Maker - License issued by the Commission to manufacturer an unlimited quantity of wine in Michigan. A Wine Maker may obtain additional licenses for other Michigan winery facilities, provided that all are licensed in the same legal entity. Wine Makers may sell wine they manufacture to **licensed wholesalers, licensed retailers or directly to consumers for take-out**. Wine Makers may also sell wine they manufacture to consumers for on-premise consumption in a **restaurant operated at the winery premises**. An investigation by the Commission's Enforcement Division is required along with local law enforcement approval and local governing body approval. Annual license fee is \$100.00.

Small Wine Maker - License issued by the Commission to manufacturer up to **50,000 gallons of wine per year in Michigan**. A Small Wine Maker may obtain additional licenses for other Michigan winery facilities, provided that all are licensed in the same legal entity. If a Small Wine Maker licenses multiple locations, the combined production may not exceed 50,000 gallons per year. Small Wine Makers may sell wine to licensed wholesalers, licensed retailers or directly to consumers for take-out. Small Wine Makers may also sell wine to consumers for on-premises consumption from a restaurant operated at the winery premises. An investigation by the Commission's Enforcement Division is required along with local law enforcement approval and local governing body approval. Annual license fee is \$25.00.

Winery Tasting Room - License issued by the Commission to a Wine Maker or Small Wine Maker to operate an off-site winery tasting room located away from the winery premises. The Winery Tasting Room must be under the control of the licensed Wine Maker or Small Wine Maker and may not be operated in conjunction with any other retail licensee. The tasting room may offer free samples to consumers and may sell wine to consumers for take-out. May **not** sell for on-premises consumption at tasting room location. An investigation by the Commission's Enforcement Division is required along with local law enforcement approval and local governing body approval. Annual license fee is \$100.00.

Manufacturer of Brandy - License issued by the Commission to manufacture brandy as defined by Bureau of Alcohol, Tobacco & Firearms regulations. A Brandy Manufacturer must be located in Michigan and must hold a Michigan **Wine Maker or Small Wine Maker** license at the same location and in same legal entity. A Brandy Manufacturer may sell brandy it manufactures directly to consumers for take-out from the manufacturing premises. Sales to consumers for take-out must be at uniform prices set by the Commission. A Brandy Manufacturer may sell brandy it manufactures to consumers for on-premises consumption in a restaurant operation at the manufacturing premises.

An investigation by the Commission's Enforcement Division is required along with local law enforcement approval and local governing body approval. Annual license fee is \$100.00.

Manufacturer of Mixed Spirit Drink - License issued by the Commission to manufacture mixed spirit drinks, commonly known as spirit coolers, that are spirit based beverages containing 10% or

less alcohol by volume. A Manufacturer of Mixed Spirit Drink must be located in Michigan. A Manufacturer of Mixed Spirit Drink may sell mixed spirit drinks to licensed Michigan Wholesalers who may resell to certain licensed Michigan retailers. Only retailers authorized to sell spirits may purchase mixed spirit drinks from wholesalers. A Mixed Spirit Drink Manufacturer may not sell directly to retailers or consumers. An investigation by the Commission's Enforcement Division is required along with local law enforcement approval and local governing body approval. Annual license fee is \$100.00.

Manufacturer of Spirits - License issued by the Commission to manufacture spirits. The Manufacturer of Spirits must be located in Michigan. All spirit products are sold to the Commission by a Vendor of Spirits. A Manufacturer of Spirits may act as the Vendor of Spirits or may appoint someone to be their Vendor of Spirits. The Commission acts as the wholesaler of spirits and resells to Michigan retail licensees. A Manufacturer of Spirits may offer free samples to consumers at their manufacturing facility but may not sell spirits to consumers for either on-premises consumption or for take-out. An investigation by the Commission's Enforcement Division is required along with local law enforcement approval and local governing body approval. Annual license fee is \$1,000.00.

Outstate Seller of Beer ("OSSB") - License issued by the Commission to ship beer into Michigan and sell to licensed Michigan Wholesalers who may resell to licensed Michigan retailers. OSSB may not sell or ship beer directly to Michigan retail licensees nor may they ship directly to consumers. OSSB must be located in the United States. The Commission may issue an OSSB license to an importer of foreign beer; to a domestic manufacturer of beer located outside of Michigan; or to a person appointed by a domestic manufacturer as the Exclusive Sales Agent ("ESA") for the State of Michigan. There is a 5,000-barrel annual limit per brewery for an ESA. If the facility is located in Michigan, a full investigation by the Commission's Enforcement Division is required as well as local law enforcement approval. Annual license fee is \$1,000.00.

Outstate Seller of Wine ("OSSW") - License issued by the Commission to ship wine into Michigan and sell to licensed Michigan Wholesalers who may resell to Michigan licensed retailers. OSSW may not sell or ship wine directly to Michigan retail licensees nor may they ship directly to consumers. OSSW must be located in the U.S. The Commission may issue OSSW license to an importer of foreign wine; to a domestic manufacturer of wine; to a Purchaser of a domestic manufacturer of wine (150,000 liter annual limit per winery); or to an Exclusive Sales Agent for the entire United States for a domestic manufacturer of wine. If facility is located in Michigan, a full investigation by the Commission's Enforcement Division is required as well as local law enforcement approval. Annual license fee is \$300.00.

Wholesaler – License issued by the Commission to purchase beer, wine or mixed spirit drinks from licensed suppliers (Brewer, Micro Brewer, Wine Maker, Small Wine Maker, Outstate Seller of Beer, Wine or Mixed Spirit Drink) and resell to retail licensees. May also sell beer, wine and mixed spirit drinks to hospitals, military installations and the governments of Indian reservations, and may sell wine to churches for sacramental purposes. One year Michigan residency required for individuals, stockholders, members or partners of wholesale licensed entity. Territory agreements required from licensed suppliers. Wholesalers may only sell to retailers located in the territory authorized by their supplier territory agreements. An investigation by the Commission's Enforcement Division is required along with local law enforcement approval. Annual license fee is \$300.00 plus \$50.00 for each additional vehicle used to deliver alcoholic beverages to retail

licensees.

Warehouser – License issued by the Commission to store alcoholic beverages. May not sell or deliver to retail licensees unless also holding a wholesaler or manufacturer license. May not sell or deliver to consumers. Retail licensees are prohibited from holding a Warehouser license. An investigation by the Commission’s Enforcement Division is required along with local law enforcement approval. Annual license fee is \$50.00.

Montana Code Annotated 2009

[Previous Section](#)
 [MCA Contents](#)
 [Part Contents](#)
 [Search](#)
 [Help](#)
 [Next Section](#)

- 16-3-411. Winery.** (1) A winery located in Montana and licensed pursuant to [16-4-107](#) may:
- (a) import in bulk, bottle, produce, blend, store, transport, or export wine it produces;
 - (b) sell wine it produces at wholesale to wine distributors;
 - (c) sell wine it produces at retail at the winery directly to the consumer for consumption on or off the premises;
 - (d) provide, without charge, wine it produces for consumption at the winery;
 - (e) purchase from the department or its licensees brandy or other distilled spirits for fortifying wine it produces;
 - (f) obtain a **special event permit** under [16-4-301](#);
 - (g) perform those operations and cellar treatments that are permitted for bonded winery premises under applicable regulations of the United States department of the treasury; or
 - (h) **sell wine at the winery to a licensed retailer** who presents the retailer's license or a photocopy of the license.
- (2) (a) **A winery licensed pursuant to [16-4-107](#) may sell and deliver wine produced by the winery directly to licensed retailers if the winery:**
- (i) uses the winery's own equipment, trucks, and employees to deliver the wine and the wine delivered pursuant to this subsection (2)(a)(i) does not exceed **4,500 cases a year**;
 - (ii) contracts with a licensed table wine distributor to ship and deliver the winery's wine to the retailer; or
 - (iii) contracts with a common carrier to ship and deliver the winery's wine to the retailer and:
 - (A) the wine shipped and delivered by common carrier is shipped directly from the producer's winery or bonded warehouse;
 - (B) individual shipments delivered by common carrier are limited to three cases a day for each licensed retailer; and
 - (C) the shipments delivered by common carrier do not exceed 4,500 cases a year.
- (b) A winery making sales to retail licensees under the provisions of this subsection (2) is considered a table wine distributor for the purposes of collecting taxes on table wine, as provided in [16-1-411](#).
- (c) If a winery uses a common carrier for delivery of the wine to licensed table wine distributors and retailers, the shipment must be:
- (i) in boxes that are marked with the words: "Wine Shipment From Montana-Licensed Winery to Montana Licensee";
 - (ii) delivered to the premises of a licensed table wine distributor or licensed retailer who is in good standing; and
 - (iii) signed for by the wine distributor or retailer or its employee or agent.
- (d) In addition to any records required to be maintained under [16-4-107](#), a winery that distributes wine within the state under this subsection (2) shall maintain records of all sales and shipments. The winery shall, on or before the 15th day of each month, in the manner and form prescribed by the department, make a return reporting the amount of wine that it shipped in the state during the

preceding month, names and addresses of consignees or retailers, and other information that the department may determine to be necessary to ensure that distribution of table wines within this state conforms to the requirements of this code.

History: En.Sec. I, Ch. 566, L. 1987; amd.Sec.34, Ch.530, L. 1995; amd.Sec. I, Ch. 163, L. 2001; amd.Sec.6, Ch.501, L. 2007.

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NEW HAMPSHIRE

<http://www.gencourt.state.nh.us/rsa/html/XIII/178/178-8.htm>

TITLE XIII ALCOHOLIC BEVERAGES

CHAPTER 178 LIQUOR LICENSES AND FEES

Section 178:8

178:8 Wine Manufacturer License. –

I. Wine manufacturer licensees may ferment fruit or other agricultural products naturally containing sugar to produce table wine containing at least 6 but not more than 15.5 percent alcohol by volume, and to produce from that wine fortified wine containing at least 15.5 but not more than 24 percent alcohol by volume.

II. Each manufacturer of domestic wines in this state shall have the right to sell and to transport and deliver wines manufactured by it directly to the holders of on-premises or off-premises licenses issued by the commission. No domestic wine manufactured in this state by any manufacturer shall be sold or delivered in this state in any manner which is inconsistent with the provisions of this title.

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its wines. Visitors at said premises may be provided with reasonable samples of wine for tasting. Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market, and may sell such products at retail in the original container.

IV. Each wine manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under this section and shall pay to the commission monthly a fee equal to 5 percent of such sales on or before the tenth day of the month following the sale.

V. Each wine manufacturer shall have the right to transport wines manufactured by it to the state border for transportation and sale outside the state.

VI. Each wine manufacturer shall have the right to hire sales representatives subject to RSA 179:11 as it desires, and shall have the right to solicit sales of its wines directly to retail licensees.

VII. The holder of a wine manufacturer license, or designee, may be issued an on-premises license at the discretion of the commission. The annual fee each license issued under this section shall be as required under RSA 178:29.

Source. 2003, 231:13, eff. July 1, 2003.

NORTH CAROLINA

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_18B/GS_18B-1101.html

§ 18B-1101. Authorization of unfortified winery permit.

The holder of an unfortified winery permit may:

- (1) Manufacture unfortified wine;
- (2) **Sell, deliver and ship unfortified wine** in closed containers to wholesalers licensed under this Chapter as authorized by the ABC laws, except that wine may be sold to exporters and nonresident wholesalers only when the purchase is not for resale in this State;
- (2a) Receive, in closed containers, unfortified wine produced inside or outside North Carolina under the winery's label from grapes, berries, or other fruits owned by the winery, and sell, deliver, and ship that wine to wholesalers, exporters, and nonresident wholesalers in the same manner as its wine manufactured in North Carolina. This provision may be used only by a winery during its first three years of operation or when there is substantial damage to its grapes, berries, or other fruits from catastrophic crop loss. This provision may be used only three years out of every 10 years and notice must be given to the Commission each time this provision is used;
- (3) **Ship its wine in closed containers** to individual purchasers inside and outside this State in accordance with the provisions of G.S. 18B-1001, 18B-1001.1, and 18B-1001.2, and other applicable provisions of this Chapter;
- (4) Furnish or sell "short-filled" packages, on which State taxes have been or will be paid, to its employees for the use of the employees or their families and guests in this State;
- (5) **Regardless of the results of any local wine election**, sell the wine owned by the winery at the winery for on- or off-premise consumption upon obtaining the appropriate permit under G.S. 18B-1001;
- (6) **Sell the wine manufactured by the winery** or produced under the winery's label under subdivision (2a) of this section for on- or off-premise consumption at no more than **three other locations** in the State, upon obtaining the appropriate permit under G.S. 18B-1001;
- (6a) **Receive, in closed containers, and sell at the winery, unfortified wine produced inside or outside North Carolina under contract with the winery.** Such contract wine must have the winery's name clearly displayed on each bottle. The contract wine may be sold also at affiliated retail outlets of the winery physically located on or adjacent to the winery. Any wine received by a winery under this provision must be made available for sale by the winery to wholesalers for distribution to retailers, without discrimination, in the same manner as if the wine were being imported by the winery;
- (7) **Obtain a wine wholesaler permit to sell, deliver, and ship at wholesale unfortified wine manufactured at the winery.** The authorization of this subdivision applies only to a winery that annually sells, to persons other than exporters and nonresident wholesalers when the purchase is not for resale in this State, no

more than 100,000 gallons of unfortified wine manufactured by it at the winery;

- (8) Allow winemaking on premises as allowed by a permit issued pursuant to G.S. 18B-1001(17).

A sale under subdivision (4) shall not be considered a retail or wholesale sale under the ABC laws. (1973, c. 511, ss. 1, 2; 1975, c. 411, s. 6; 1979, c. 224; 1981, c. 412, s. 2; c. 747, s. 60; 1985, c. 89, s. 4; 1989, c. 800, s. 2; 2001-262, s. 2; 2001-487, s. 49(b); 2002-102, s. 2; 2003-402, s. 6; 2004-135, s. 2; 2004-199, s. 11; 2007-402, s. 3.)

Ohio Laws and Rules

Route: Ohio Revised Code

» Title [43] XLIII LIQUOR

» Chapter 4303: LIQUOR PERMITS

4303.071 B-2a permit to wine manufacturers, brand owners, or importers.

(A)(1) Permit B-2a may be issued to a person that is the brand owner or United States importer of wine, is the designated agent of a brand owner or importer for all wine sold in this state for that owner or importer, or manufactures wine if such manufacturer is entitled to a tax credit under 27 C.F.R. 24.278 and produces less than two hundred fifty thousand gallons of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of intoxicating liquor by the appropriate authority of the state in which the person resides or by the alcohol and tobacco tax and trade bureau in the United States department of the treasury.

(2) The fee for the B-2a permit is twenty-five dollars.

(3) The holder of a B-2a permit may sell wine to a retail permit holder, but a B-2a permit holder that is a wine manufacturer may sell to a retail permit holder only wine that the B-2a permit holder has manufactured.

(4) The holder of a B-2a permit shall renew the permit in accordance with section 4303.271 of the Revised Code, except that renewal shall not be subject to the notice and hearing requirements established in division (B) of that section.

(B) The holder of a B-2a permit shall collect and pay the taxes relating to the delivery of wine to a retailer that are levied under sections 4301.421 and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(C) The holder of a B-2a permit shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

Effective Date: 2007 HB119 09-29-2007; 2008 SB150 07-01-2008

OregonLaws.org

2009 ORS § 471.223¹

Winery license

(1) A winery license shall allow the licensee:

(a) To import, bottle, produce, blend, store, transport or export wines or cider.

(b) To sell wines or cider at wholesale to the Oregon Liquor Control Commission or to licensees of the commission.

(c) To sell wines or cider at retail directly to the consumer for consumption on or off the licensed premises.

(d) To sell malt beverages at retail for consumption on or off the licensed premises.

(e) To conduct the activities allowed under paragraph (a), (b), (c) or (d), or all, of this subsection at a second or third premises as may be designated by the commission.

(f) To purchase from or through the commission brandy or other distilled liquors for fortifying wines.

(g) To obtain a special events winery license that shall entitle the holder to conduct the activities allowed under paragraphs (c) and (d) of this subsection at a designated location other than the one set forth in the winery license for a period not to exceed five days.

(2) In order to hold a winery license the licensee shall principally produce wine or cider in this state.

(3) On and after July 1, 1990, a winery licensee is not authorized to import wine or cider in bottles unless the brand of wine or cider is owned by the licensee.

(4) A winery licensee may sell and ship wine or cider directly to a resident of this state only if the licensee has a direct shipper permit issued under ORS [471.282 \(Direct shipper permit\)](#).

(5)(a) Except as provided in paragraph (b) of this subsection, a winery licensee, or any person having an interest in the licensee, may also hold a full on-premises sales license. If a person holds both a winery license and a full on-premises sales license, nothing in this chapter shall

prevent the **sale** by the licensee of both **distilled liquor** and wine or cider bottled and produced under the winery license.

(b) The commission may not issue a full on-premises sales license to a winery licensee under the provisions of this subsection if the winery licensee, or any person having an interest in the licensee or exercising control over the licensee, is a brewery that brews more than 200,000 barrels of malt beverages annually or a winery that produces more than **200,000 gallons of wine** or cider annually.

(6) **More than one winery licensee may exercise the privileges of a winery license at a single location.** The commission may not refuse to issue a winery license to a person for the production of wine or cider on specified premises based on the fact that other winery licensees also produce wine or cider on those premises. [1979 c.264 §2; 1981 c.201 §1; 1989 c.511 §5; 1993 c.202 §1; 1993 c.663 §3; 1995 c.34 §1; 1995 c.188 §1; 1995 c.301 §15; 1999 c.431 §§1,3; 2003 c.44 §1; 2007 c.25 §1; 2007 c.854 §2; 2009 c.38 §2]

(No annotations for this section.)

Related Statutes³

- [471.190](#)
[Temporary sales license](#)
- [471.200](#)
[Brewery-public house license](#)
- [471.242](#)
[Warehouse license](#)
- [471.282](#)
[Direct shipper permit](#)
- [471.392](#)
[Definitions for ORS 471.392 to 471.400](#)
- [471.402](#)
[Sample tastings authorized](#)

[Utah Code](#)[Title 32B](#)[Chapter 11](#)

Section 303 Specific authority and operational requirements for winery manufacturing license.

32B-11-303. Specific authority and operational requirements for winery manufacturing license.

(1) A winery manufacturing license allows a winery manufacturing licensee to:

- (a) store, manufacture, transport, import, or export wine;
- (b) sell wine at wholesale to the department and to out-of-state customers;
- (c) purchase liquor for fortifying wine, if the department is notified of the purchase and date of delivery; and
- (d) warehouse on the licensed premises liquor that is manufactured or purchased for manufacturing purposes.

(2) (a) A wine, brandy, wine spirit, or other liquor imported under authority of a winery manufacturing license shall conform to the standards of identity and quality established in the regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.

(b) The federal definitions, standards of identity, and quality and labeling requirements for wine, in regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq., are adopted to the extent the regulations are not contrary to or inconsistent with the laws of this state.

(3) If considered necessary, the commission or department may require:

- (a) the alteration of the plant, equipment, or licensed premises;
 - (b) the alteration or removal of unsuitable wine-making equipment or material;
 - (c) a winery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve the sanitary and working conditions of the plant, licensed premises, and wine-making equipment;
 - (d) that a marc, pomace, or fruit be destroyed, denatured, or removed from the licensed premises because it is considered:
 - (i) unfit for wine making; or
 - (ii) as producing or likely to produce an unsanitary condition;
 - (e) a winery manufacturing licensee to distill or cause to be distilled or disposed of under the department's supervision:
 - (i) any unsound, poor quality finished wine; or
 - (ii) unfinished wine that will not be satisfactory when finished; or
 - (f) that a record pertaining to the grapes and other materials and ingredients used in the manufacture of wine be available to the commission or department upon request.
- (4) A winery manufacturing licensee may not permit wine to be consumed on its premises, except under the following circumstances:
- (a) A winery manufacturing licensee may allow its staff to consume on the licensed premises wine as the winery manufacturing licensee furnishes to the staff without charge.
 - (b) A winery manufacturing licensee may allow a person who can lawfully purchase

wine for **wholesale or retail distribution to consume a bona fide sample** of the winery manufacturing licensee's product on the licensed premises.

(c) A winery manufacturing licensee may operate on its licensed premises a **retail facility** allowing consumption of a sample on the licensed premises of wine as long as food is also available. This type of retail facility located on the licensed premises shall be operated or supervised by the winery manufacturing licensee.

Enacted by Chapter 276, 2010 General Session

Download Code Section [Zipped](#) WordPerfect [32B11_030300.ZIP](#) 3,088 Bytes

[<< Previous Section \(32B-11-302\)](#)

[Next Section \(32B-11-401\) >>](#)

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VERMONT DIRECT SHIPMENT OF VINOUS BEVERAGES TO **RETAILER LICENSE IN-STATE and OUT-OF-STATE**

Please read the application requirements and license restrictions below to determine whether a direct shipping license is right for your business.

Application Requirements:

Complete and return the State of Vermont Direct Shipper Application.

In order to obtain a direct shipper permit you must provide the following information with your application.

Application fee of \$200.00, renewal fee of \$200.00 to be made payable to the Department of Liquor Control.

Valid copy of your manufacturing liquor license from the state in which your winery is located.

License Restrictions:

Ship no more than 40 gallons of vinous beverages per month to any single first or second-class licensee.

Retain a copy of each record of sale for a minimum of five years from the date of shipping.

This license permits the holder, which includes the holder's affiliates, franchises, and subsidiaries, to sell up to 2,000 gallons of vinous beverages a year directly to first or second class licensees and deliver the beverages by common carrier or the manufacturer's or rectifier's own vehicles, provided that the beverages are sold on invoice.

The retail shipping license holder shall provide to the Department of Liquor Control documentation of the annual and monthly number of gallons sold.

Pay directly to the Commissioner of Taxes the amount of tax on the vinous beverages shipped. Delivery in Vermont by the holder of a license shall be deemed to constitute a sale in Vermont at the place of delivery and shall be subject to all excise and sales taxes levied by the State of Vermont.

Permit the State Treasurer, the Department of Liquor Control, and the Department of Taxes, separately or jointly, upon request to perform an audit of the records of the holder of a license issued under this section.

Be deemed to have consented to jurisdiction of the Department of Liquor Control or any other state agency and the Vermont state courts concerning enforcement of this or other related laws and regulations.

Not have any financial interest either directly or indirectly in a Vermont wholesale dealer or retail dealer, including a first, second or third class license.

Comply with all Department of Liquor Control Laws and Regulations.

A common carrier shall not deliver vinous beverages until it has complied with the provisions of Title 7 V.S.A. Section 239(a) and (b) of this title and be certified by the Department of Liquor Control. No employee of a common carrier shall deliver vinous beverages until that employee completes the training required by Title 7 V.S.A. Section 239(c). Common carriers shall only deliver vinous beverages that have been shipped by the holder of a license issued under Title 7 V.S.A. Section 66.

Direct shipments of vinous beverages are prohibited if they are specifically authorized and in compliance with Title 7 V.S.A. Section 66. Any person who knowingly makes, participates in, imports, or receives such a shipment of vinous beverages from a person who is not licensed as required under Title 7 V.S.A. Section 66 may be fined not more than \$1,000.00 or imprisoned no more than one year, or both.

Any violation under Title 7, V.S.A. Section 66, the Liquor Control Board may suspend or revoke a license, among all other remedies available to the Board.

Contact Information

To learn more about Vermont's Direct Shipping law, please call or email the Department of Liquor Control at 802-828-2339 or visit www.state.vt.us/dlc

Effective May 10, 2006.

Direct to Retailer Shipping License Application for Vinous Beverages

Alabama Wineries Association 2011	
APPROVED	DISAPPROVED
	Date: _____
Reason: _____	

Manufacturer's Only to First and Second Class

(for department use only)

Fee: \$200

License Year: May 1st through April 30th of following year.

Individual Partnership Corporation LLC

CHOOSE ONE OF THE ABOVE OPTIONS

STATE LICENSE TYPE: _____ LICENSE NUMBER: _____

CORPORATION NAME: _____

FEDERAL ID NUMBER: _____ Bus. Ph. No.: _____

NAME: _____
LAST FIRST

MAILING ADDRESS: _____
NO. STREET PO BOX

_____ CITY STATE ZIP

TRADE NAME: _____

BUSINESS LOCATION: _____
NO. STREET

_____ CITY STATE ZIP

INTERNET ADDRESS <http://www.> _____ EMAIL ADDRESS _____

Title 7 V.S.A. §66(c) states: A manufacturer or rectifier of vinous beverages that is licensed in-state or out-of-state and holds valid state and federal permits and operates a winery in the United States may apply for a retail shipping license by filing with the department of liquor control an application in a form required by the department accompanied by a copy of their in-state or out of state license and the fee as required by subdivision 231(7)(C) of this title. The retail shipping license may be renewed annually by filing the renewal fee as required by subdivision 231(7)(C) of this title accompanied by the licensee's current in-state or out-of-state manufacturer's license. This license permits the holder, which includes the holder's affiliates, franchises, and subsidiaries, to sell up to 2,000 gallons of vinous beverages a year directly to first or second class licensees and deliver the beverages by common carrier or the manufacturer's or rectifier's own vehicles, provided that the beverages are sold on invoice, and no more than 40 gallons per month are sold to any single first or second class licensee. The retail shipping license holder shall provide to the department documentation of the annual and monthly number of gallons sold.

List below or on the back of this form, the names and addresses of the business owners,

partners, corporate officers, or LLC members, as appropriate.

VIRGINIA WINERY

[prev](#) | [next](#)<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+4.1-207>

§ 4.1-207. Wine licenses.

The Board may grant the following licenses relating to wine:

1. Winery licenses, which shall authorize the licensee to manufacture wine and to sell and deliver or ship the wine, in accordance with Board regulations, in closed containers, to persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth. In addition, such license shall authorize the licensee to (i) **operate distilling equipment on the premises of the licensee in the manufacture of spirits from fruit or fruit juices only, which shall be used only for the fortification of wine produced by the licensee, and (ii) store wine in bonded warehouses on or off the licensed premises upon permit issued by the Board.**

2. Wholesale wine licenses, including those granted pursuant to § [4.1-207.1](#), which shall authorize the licensee to acquire and receive deliveries and shipments of wine and to sell and deliver or ship the wine from one or more premises identified in the license, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell such wine in the Commonwealth, (ii) persons outside the Commonwealth for resale outside the Commonwealth, (iii) religious congregations for use only for sacramental purposes, and (iv) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state.

No wholesale wine licensee shall purchase wine for resale from a person outside the Commonwealth who does not hold a wine importer's license unless such wholesale wine licensee holds a wine importer's license and purchases wine for resale pursuant to the privileges of such wine importer's license.

3. Wine importers' licenses, which shall authorize persons located within or outside the Commonwealth to sell and deliver or ship wine, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Retail off-premises winery licenses to persons holding winery licenses, which shall authorize the licensee to sell wine at the place of business designated in the winery license, in closed containers, for off-premises consumption.

5. **Farm winery licenses**, which shall authorize the licensee to manufacture wine containing 18 percent or less of alcohol by volume and to sell, deliver or ship the wine, in accordance with Board regulations, in closed containers, to (i) the Board, (ii) persons licensed to sell the wine so manufactured at wholesale for the purpose of resale, § [4.1-326](#) notwithstanding, or (iii) persons outside the Commonwealth. In addition, the licensee may (a) acquire and receive deliveries and shipments of wine and sell and deliver or ship this wine, in accordance with Board regulations, to the Board, persons licensed to sell wine at wholesale for the purpose of resale, or persons outside the Commonwealth and (b) store wine in bonded warehouses located on or off the licensed premises upon permits issued by the Board. For the purposes of this title, a farm winery license shall be designated either as a Class A or Class B farm winery license in accordance with the limitations set forth in § [4.1-219](#).

Such licenses shall also authorize the licensee to sell wine at retail at the places of business designated in the

licenses, which may include no more than **five additional retail establishments of the licensee**. Wine may be sold at these business places for on-premises consumption and in closed containers for off-premises consumption.

6. **Internet wine retailer license**, which shall authorize persons located within or outside the Commonwealth to sell and ship wine, in accordance with § [4.1-209.1](#) and Board regulations, in closed containers to persons in the Commonwealth to whom wine may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

(Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 324, 526, 528, § 4-25.1; 1981, cc. 410, 412; 1982, c. 66; 1984, cc. 200, 559; 1985, c. 457; 1986, c. 190; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, cc. 300, 390, 707, 810; 1991, c. 628; 1992, cc. 215, 350; 1993, c. 866; 1998, cc. [77](#), [208](#); 2000, cc. [786](#), [1037](#), [1052](#); 2003, cc. [564](#), [629](#), [1029](#), [1030](#); 2006, c. [845](#); 2007, cc. [558](#), [870](#), [932](#); 2008, c. [194](#).)

[prev](#) | [next](#) | [new search](#) | [table of contents](#) | [home](#)



Washington State Liquor Control Board

Licensing and Regulation
Manufacturer, Importer and
Wholesaler Section PO Box
43098, 3000 Pacific Ave

SE
Olympia WA 98504-
3098
Phone – (360) 664-1600, option 1
then
2
Fax – (360) 753-
2710

(For those whose physical location address is within the State of
Washington)

NOTE: If you are applying for a stand-alone retail license and your application is withdrawn or denied for any reason, \$75 is kept as a processing fee (per RCW 66.24.015).

In-State Wine / Winery Licenses

Domestic Winery - Production of Less than 250,000 Liters per Year

\$10

0
Manufacture wine in Washington State from grapes or other agricultural products. This allows Wineries to sell wine of their own production **at retail** for on- or off-premises consumption, and to act as a **distributor for wine** of their own production. Additional Privileges: **Tasting Room Additional Location**

Domestic Winery - Production of 250,000 Liters or More per Year

\$40

0
Manufacture wine in Washington State from grapes or other agricultural products. This allows Wineries to sell wine of their own production at retail for on- or off-premises consumption, and to act as a distributor for wine of their own production.
Additional Privileges: Tasting Room Additional Location

Winery Warehouse

No

fee A domestic winery operating as a distributor of their own production may maintain a warehouse off the premises of the winery for the distribution of their product.
Licensee must also hold a Domestic Winery License. Limit **one location** per licensed production/manufacturing facility

Tasting Room – Additional Location

No

fee For additional locations, separate from the production/ manufacturing site, where the licensee may serve by the glass for on premise consumption, sample and sell at retail for off-premises consumption wine of its own production. Limit two additional locations per licensed production/manufacturing facility.

Bonded Wine Warehouse

\$100

Store bottled wine off the premises of a Winery without any state or federal tax being due. Wine must remain in, or under, federal and state bond.

Wine Distributor **\$660**

Sell wine to licensed wine retailers, other wine distributors, and to export from Washington. Wine must be purchased from a licensed Washington winery, Wine Certificate of Approval Holder, Authorized Representative COA of US or foreign wine, licensed importer, or a supplier of foreign wine located outside of the US.

Wine Grower**\$75**

To sell wine in bulk made from grapes owned by the licensee to domestic Wineries, Distillers, and Manufacturers. Allows them to contract for the manufacturing of spirits from grower's own agricultural products and sell the spirits in bulk to a licensed winery, distillery, or export from the state

In-State Additional Liquor Licenses**Chemist Distiller****\$20**

Operate a still for laboratory purposes. This is only issued to commercial chemists.

Craft Distillery**\$100**

For distillers who are producing 60,000 gallons or less of spirits. At least half of the raw materials used in the production must be grown in Washington. Allows a craft distillery to contract distilled spirits for, and sell distilled spirits to, holders of distillery licenses, manufacturer's licenses and grower's licenses.

Distiller/Rectifier**\$2,000**

To distill, blend, rectify, and bottle spirituous liquor.

Fruit and/or Wine Distiller**\$200**

Distill fruit and/or wine to produce fruit brandy and wine spirits.

Liquor Importer**\$600**

To import, store, sell or export any liquor other than beer or wine. (No liquor importer license is required to sell liquor to the Washington State Liquor Control Board.)

Interstate Common Carrier (Planes, Trains, and Vessels)**\$750**

Transport spirits, beer, and wine into Washington on commercial passenger carriers. Also allows sales to passengers and storage of these products within the state.

Duplicate License**\$5 each**

Additional planes, trains, and vessels.

Liquor Manufacturer**\$500**

To manufacture a product that contains liquor (except Distillers, Breweries and Wineries). Also allows Manufacturers to import, sell, and export liquor from the state.

Ships Chandler**\$100**

To allow Ships Chandlers who are duty-free exporters to sell beer and wine to vessels, for consumption outside Washington State territorial waters.

Out-of-State License Types

(For those locations whose physical location address is outside of the state of Washington)

Production Winery Licenses

Wine Out-of-State Certificate of Approval

\$200

To allow a US winery located outside of Washington, properly licensed with the Alcohol and Tobacco Tax and Trade Bureau (TTB) and the state in which they are located, to sell wine of their own production to licensed Washington Wine Importers and Distributors.

Additional Privileges: Ship to Retailer, Ship to Consumer

Wine Out-of-State Shipping Directly to Washington Retailers

\$100

To allow a US winery holding a Certificate of Approval with Washington to ship wine directly to a licensed retailer approved to receive shipments.

Licensee must also hold a Wine Out-of-State Certificate of Approval.

WEST VIRGINIA

<http://www.legis.state.wv.us/WVCODE/60/code/WVC%2060%20-%20-%20%204%20-%20-%20%203%20B.htm>

§60-4-3b. Winery and farm winery license to manufacture and sell.

(a) *Sales of wine.* -- An operator of a winery or farm winery may offer wine produced by the winery or farm winery for retail sale to customers from the winery or farm winery for consumption off the premises only. Except for free complimentary samples offered pursuant to section one, article six of this chapter, customers are prohibited from consuming any wine on the premises of the winery or farm winery, unless such winery or farm winery has obtained a **multicapacity winery or farm winery license**.

(b) *Retail sales.* -- Every licensed winery or farm winery shall comply with the provisions of articles three, four and eight of this chapter as applicable to wine retailers, wineries and suppliers when properly licensed in such capacities.

(c) *Payment of taxes and fees.* -- The winery or farm winery shall pay all taxes and fees required of licensed wine retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner. Each winery or farm winery acting as its own supplier shall submit to the Tax Commissioner the liter tax for all sales at the winery or farm winery each month, as provided in article eight of this chapter.

(d) *Advertising.* -- A winery or farm winery may advertise a particular brand or brands of wine produced by it, and the price of the wine subject to federal requirements or restrictions.

(e) *Limitations on licensees.* -- A winery or farm winery must maintain separate winery or farm winery supplier, retailer and direct shipper licenses when acting in one or more of those capacities, and must pay all associated license fees, unless such winery or farm winery holds a license issued pursuant to the provisions of subdivision (12), subsection (b), section three, article

eight of this chapter. **A winery or farm winery, if holding the appropriate licenses or a multicapacity winery or farm winery license, may act as its own supplier; retailer for off-premises consumption of its wine as specified in section two, article six of this chapter; private wine restaurant; and direct shipper for wine produced by the winery or farm winery. All wineries must use a distributor to distribute and sell their wine in the state, except for farm wineries.** No more than one winery or farm winery license may be issued to a single person or entity, and no person may hold both a winery and a farm winery license.

WYOMING

Microbrew & Winery Information

12-1-101. Definitions.

(a) As used in this title:

(xix) "Microbrewery" means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifteen thousand (15,000) barrels per year and no less than one hundred (100) barrels per year;

(xx) "Winery" means a commercial enterprise manufacturing wine at a single location in Wyoming;

12-2-201. Wholesale license for sale of malt beverages only; fee.

(g) Notwithstanding W.S. 12-2-203, the commission:

(i) May authorize the sale of products of a microbrewery for off-premises sale through existing licensed wholesale malt beverage distributors according to W.S. 12-2-201 and subject to W.S. 12-2-304, 12-3-101 and 12-3-102; and

(ii) Shall assess to the microbrewery a fee not to exceed two hundred dollars (\$200.00) for the off-premises sale of microbrewery products;

(iii) The commission shall not grant a license for a brewery and a microbrewery to the same producer.

12-4-412. Microbrewery and winery permits; authorized; conditions; dual permits and licenses; satellite winery permits; direct shipment of wine; fees.

(a) Subject to restrictions imposed under W.S. 12-4-103 excluding W.S. 12-4-103(a)(vi), a local licensing authority may issue:

(i) A microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises and limited off-premises personal consumption;

(ii) A winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption.

(b) The local licensing authority:

(i) May allow the sale of other malt beverages under a microbrewery permit for on-premises consumption when obtained through licensed wholesale malt beverage distributors;

(ii) May allow the sale of other wines under a winery permit for on-premises consumption when obtained from the commission;

(iii) May approve the dual holding of a microbrewery permit or winery permit and one (1) of the following:

(A) A retail liquor license as provided in W.S. 12-4-101 through 12-4-202;

(B) Subject to subsection (c) of this section, a restaurant license as provided in W.S. 12-4-411;

(C) A resort license as provided in W.S. 12-4-401 through 12-4-405;

(D) A microbrewery permit as provided under paragraph (a)(i) of this section;

(E) A winery permit as provided under paragraph (a)(ii) of this section; or

(F) Subject to subsection (e) of this section, a bar and grill liquor license as provided in W.S. 12-4-413.

(iv) May allow the microbrewery to sell on site its brewed product for off-premises personal consumption, not for retail sale, in packaging of bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale;

(v) May allow the winery to sell its manufactured wine on site for off-premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale;

(vi) Shall limit the number of microbreweries or the number of wineries to no more than those allowed in W.S. 12-4-201(d) for each permit;

(vii) May allow the transfer of a microbrewery or winery permit to another location and ownership of the microbrewery or winery may be transferred upon approval by the local licensing authority; and

(viii) Shall assess a fee of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) payable annually in advance for each microbrewery or winery permit. When dual ownership of a microbrewery or winery permit and a liquor license exists no additional fee shall be assessed other than the retail, restaurant or resort license fee.

(c) W.S. 12-4-410 shall apply to any person holding a microbrewery or winery permit and a restaurant liquor license pursuant to subparagraph (b)(iii)(B) of this section, except the dual holder:

(i) May provide a separate dining area in which the brewed malt beverage or manufactured wine may be dispensed which shall be separate from any dining area in which persons age eighteen (18) or under are permitted to enter. The dining room in which the malt beverages or wines are dispensed shall not be considered the dispensing room for purposes of the restaurant liquor license;

(ii) May sell the brewed malt beverage or manufactured wine for limited off-premises personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

(iii) May upon cessation of full service restaurant operations, serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

(iv) Shall not include sales of malt beverages or wines authorized under the microbrewery or winery permit, or sales other than food service and alcoholic beverages in the annual gross sales report required under W.S. 12-4-408(c).

(d) In addition to subsection (b) of this section, the local licensing authority may issue to the holder of a winery permit under this section a satellite winery permit which allows the permittee to sell its manufactured wine at up to three (3) satellite locations within Wyoming separate from its licensed manufacturing site under the original permit fee. The satellite winery 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) regardless of the number of satellite locations. The satellite winery permit shall be subject to the terms and conditions of W.S. 12-4-106, the schedule of operating hours provided in W.S. 12-5-101 and the dispensing room provisions of W.S. 12-5-201.

(e) The provisions of W.S. 12-4-413 shall apply to any person holding a microbrewery or winery permit and a bar and grill liquor license pursuant to subparagraph (b)(iii)(F) of this section, except the dual holder:

(i) May sell the brewed malt beverage or manufactured wine for limited off-premise personal consumption pursuant to paragraphs (b)(iv) and (v) of this section;

(ii) May upon cessation of full service restaurant operations serve a limited menu and continue to serve malt beverages authorized under the microbrewery permit or wines authorized under the winery permit; and

(iii) Shall not include sales of malt beverages or wines authorized under the malt beverage or winery permit, or sales other than food service and alcoholic beverages, in the annual gross sales report required under W.S. 12-4-408(c).

(f) Notwithstanding paragraph (b)(v) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship no more than a total of eighteen (18) liters of its manufactured wine directly to any one (1) household in this state in any twelve (12) month period.

(g) Notwithstanding paragraph (b)(v) of this section and W.S. 12-5-201, any person holding a winery permit as provided by this section, may sell and ship its manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation to any Wyoming retail establishment which holds a liquor license in this state.

(h) Any licensed winery holding a winery permit pursuant to this section shall:

(i) Not ship more than a total of eighteen (18) liters of its manufactured wine to any one (1) household in this state during any twelve (12) month period;

(ii) Offer to sell its manufactured wine to the liquor division at wholesale prices if the winery ships more than ninety (90) liters total of any of its manufactured wine to any combination of households or licensed retailers in this state;

(iii) Ship its manufactured wine only to individuals who are at least twenty-one (21) years of age for such individual's personal use and not for resale;

(iv) Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULTS (OVER 21) SIGNATURE REQUIRED FOR DELIVERY";

(v) Ensure that all of its shipments within this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature;

(vi) File a monthly report of wines shipped out of state on a form provided by the liquor division and include a copy of the invoice for each shipment of their own manufactured wine subject to the following:

(A) The report shall be filed with the liquor division not later than the tenth of the month following the month in which the shipment was made;

(B) Any report filed late with the liquor division shall be subject to a late filing fee of twenty-five dollars (\$25.00).

(vii) Maintain records for at least three (3) years that will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request.