

1 **SECTION 4. CARRIER DELIVERY FROM LICENSED OR REGISTERED**

2 **SHIPPERS.**

3 (a) Subject to ~~subsection~~ subsections (b) and (c), a carrier may not deliver to a consumer
4 a package that the consignor has identified as containing alcoholic beverages unless one of the
5 following applies:

6 (1) The consignor is a licensed direct shipper and the carrier maintains a record of
7 the direct shipper license for the current license period.

8 (2) The consignor is a registered logistics shipper and the carrier maintains a
9 record of the logistics shipper’s registration under Section 3.

10 (b) After a carrier has obtained a record of a direct shipper license for the current license
11 period, the carrier may consider the license to be valid for the remainder of the license period
12 unless the carrier receives notice from the [Commission] [other applicable authority] that the
13 license has been suspended or revoked [or otherwise terminated]. After a carrier has obtained a
14 record of a logistics shipper’s registration, the carrier may consider the registration to be valid
15 unless the carrier receives notice from the [Commission] that the registration has been
16 suspended, revoked, or canceled. [A carrier may consider an expired direct shipper license to be
17 valid if the [Commission] [other applicable authority that issued the license] has delayed
18 processing direct shipper license renewals.]

19 (c) Subsection (a) does not limit the restrictions under Section (3)(e) or under any other
20 law of this state regulating the shipment or delivery of alcoholic beverages directly to individuals
21 in this state.

22 **Legislative Note:** *The legislative drafter may replace the bracketed phrase “or otherwise*
23 *terminated” with the appropriate terms in the enacting state, which might include cancellation*
24 *or surrender of the license rather than termination of the license. The legislative draft should*
25 *include the final, bracketed sentence of subsection (b) if the enacting state wishes to allow*

1 *licensed activity to continue during administrative disruptions in the license renewal process,*
2 *such as during the COVID-19 pandemic.*

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4 **Comment**

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6 This section creates requirements related to the carrier’s activities in the enacting state.
7 As discussed previously, a consumer is an individual in the enacting state and both a licensed
8 direct shipper and registered logistics shipper are businesses authorized by the enacting state to
9 ship into the enacting state. The provision therefore regulates the carrier only in the enacting
10 state, where the delivery would otherwise occur.

11
12 After a carrier has verified that a consignor either holds a direct shipper license valid for
13 the applicable license period or has a logistics shipper’s registration, the carrier is not required to
14 continually confirm that the license or registration hasn’t been suspended or revoked. However,
15 if the carrier receives notice that the license or registration has been suspended or revoked, the
16 carrier cannot thereafter consider the license or registration as valid.

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18 As discussed in Section 2, approximately four states allow direct-to-consumer shipping
19 without requiring licensing of the shipper. In these few states, Section 4 will need to be modified.

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21 [Drafting committee note regarding subsection (c): A concern was raised that the
22 alternative conditions set forth in subsection (a)(1) and (2) might be considered exhaustive; in
23 other words, the only condition, leading subsection (a) to override other provisions of law. The
24 committee has yet to discuss whether subsection (c) is necessary.]

25
26 **SECTION 5. REPORTS RELATED TO DIRECT-TO-CONSUMER [WINE]**
27 **[ALCOHOLIC BEVERAGE] SHIPMENTS.**

28 * * *

29 [(b)(3) for each shipment to a consumer during the reporting period:

30 (A) the name and address of the consumer to whom the [wine was]
31 [alcoholic beverages were] shipped and, if different, the name and address of the recipient;

32 (B) the date the shipment was delivered ~~to the consumer or other recipient;~~

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