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# **Direct To Consumer (DTC) Shipping**

**Assessment of State DTC Laws, Scope of Enforcement by States, Participation in Beverage  
Container Laws, and Input from Maine Stakeholders**

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## Executive Summary

The Maine Bureau of Alcoholic Beverages and Lottery Operations (BABLO) conducted an evaluation of direct to consumer (DTC) wine and other alcoholic beverage laws, including meetings to gain input from Maine stakeholders. The evaluation focused on components of DTC laws, the scope of state enforcement, compliance with Beverage Container laws and stakeholder input.

### State Laws that Regulate Direct to Consumer Shipping

*Products and licensing:* Forty-five states and the District of Columbia (n=46) allow DTC shipping; of these, 33 states allow only wine to be shipped. Eight (n=8) states allow shipping of some spirits products (including a craft distillery and Ready To Drink alcoholic beverages) and five (n=5) states allow a combination of wine and beer products. (Two states are temporarily allowing shipping of beer and/or spirits in addition to wine due to the COVID-19 pandemic.) Almost all (n=43) states that allow shipping require the shipper to obtain a license or permit. States specify the type of entities that can ship, usually a manufacturer or producer such as a winery, distillery or brewery. Most states (n=41) limit the quantity that can be shipped and are explicit that products shipped are only for personal use/not for resale.

*Carrier licensing and procedures:* Common carriers are required to obtain a license or be approved by the state alcohol authority in twenty-one (n=21) states and another six (n=6) require use of a common carrier for shipping. Many states (n=19) require carriers to follow specific procedures for verifying age identification, obtaining a signature, and not leaving packages unattended at a door. Nearly all (n=44) states require shippers and carriers to take steps to ensure that sales are not made to underage persons and require explicit labeling of packages, such as “CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY.” Ten (n=10) also include language prohibiting delivery to an obviously intoxicated person. Ten (n=10) states allow shippers to use fulfillment centers; six (n=6) states license them. Seven (n=7) states prohibit shipping to local option/dry jurisdictions; one state allows shipping to dry areas.

*Reporting:* Shipper reporting is required in 44 states and varies from monthly to annually or as requested. Carriers are also required to report in some states. Auditing is required as requested in 33 states.

***Maine currently allows DTC shipping of wine. A small winery or other winery holding a federal basic wine manufacturing permit located inside or outside of Maine may obtain a direct shippers license by filing an application with BABLO. Maine limits quantity to no more than 12 cases of no more than nine liters to any one recipient address per calendar year; products can only be for personal use/not for resale.***

***Maine requires DTC shippers to use a common carrier; carriers are not licensed. Maine requires packages to be clearly marked that they contain alcohol, clearly indicate shipper name and recipient address; requires carriers to verify photo ID of person age 21 or older and***

*signature. Maine does not allow DTC shippers to use fulfillment centers. Maine prohibits DTC shipping to local option/dry areas. Maine requires annual reporting by shippers; carriers are not required to report. Shippers are required to provide information for audits upon request.*

## **Scope of Enforcement by States**

Alcohol regulatory authorities in each state are responsible for oversight and enforcement of DTC shipping. The scope of enforcement used by states include:

- Responding to Complaints (some states rely primarily on responding to complaints)
- Compliance Operations (some states conduct operations to detect violations):
  - Sales to underage or intoxicated persons
  - Compliance with delivery procedures
  - Illegal shippers (unlicensed shippers operating outside the law)
- Reporting by DTC shippers (monitoring reports for compliance with types of products allowed and quantity limits)
- Reporting by Carriers (monitoring for delivery procedures and reconciling carrier reports with shipper reports)
- Actions taken on violations by in-state shippers (education/counseling to bring a shipper into compliance, fines or graduated penalties or actions on licenses)
- Actions taken on violation by out-of-state shippers (contact to discontinue shipping, send cease and desist letters)
- Fulfillment center enforcement (monitor to ensure are operating within legal parameters)
- Capacity limitations—many states report their oversight and enforcement of DTC shippers is limited by capacity. Few states have staff dedicated specifically to DTC shipping. Many do not have sufficient staff to conduct routine compliance operations.

*Maine primarily responds to complaints; BABLO does not conduct routine compliance operations but investigates shippers who show an unusual quantity of shipments. Carriers are not required to report in Maine, so it is not possible to reconcile shipper and carrier reports. Education or counseling is the first action taken when a violation is detected; if the situation persists, graduated actions with the license are pursued. For out-of-state licenses, a cease-and-desist letter is sent.*

## **Beverage Container Law Compliance/Participation**

Ten (n=10) states have beverage container laws. Five (n=5) require shippers to participate in their Beverage Container Laws; Maine and one other state (n=2) exempt shippers from participation; and three (n=3) do not include wine containers in their laws, so they do not apply to DTC shipping in those states.

*Maine's legislature is currently considering legislation that would remove the exemption for direct shipped wine from the Beverage Container Law.*

## **Input from Stakeholders**

Stakeholders provided input on Maine's current law that allows DTC shipping of wine and the potential for DTC shipping of spirits.

*DTC of wine:* Maine stakeholders are largely supportive of DTC shipping of wine, but see areas where the current law could be strengthened to provide for stronger oversight, including clarifying the definitions of entities that can obtain a DTC license, ensuring all shippers are properly licensed and pay appropriate taxes and that current wine shippers continue to have the ability to DTC ship. Stakeholders also support reporting requirements for shippers and licensing and reporting for common carriers.

*Potential expansion of DTC to spirits:* Some stakeholders support expanding DTC shipping to include only spirits that are not currently listed; if a product reaches a certain threshold, it would be required to go through the listing process and no longer be shipped. Distillers support expanding DTC shipping to include their products and think it would benefit their businesses, create jobs, benefit Maine's economy and tourism, and enhance their customer relationships; some suggest DTC should be limited to smaller distillers (under 50,000 to 100,000 proof gallons). Maine distillery, winery, and retail stakeholders emphasized the importance of ensuring parity for in-state and out-of-state shippers, to ensure all pay the same taxes, fees and costs as in-state shippers and stores.

Some stakeholders have concerns about the impact DTC of spirits may have on public health or on existing businesses. There is concern that shipping might compete with brick-and-mortar locations and impact agency liquor store sales. There is concern that if shipping high-end specialty products is allowed, those products might no longer be available to sell in their stores, resulting in a loss of traffic to their businesses. There is public health concern that expanded access may be associated with increased alcohol consumption and increased underage access.

Some stakeholders are unsure how DTC of spirits may impact their members.

*Oversight and enforcement:* Stakeholders expressed strong support for ensuring underage sales are prevented and that proper delivery procedures are required of shippers and common carriers. Stakeholders identified a need for additional capacity (staffing and technology) and resources for oversight and enforcement and support BABLO enforcing DTC shipping laws to ensure shippers and carriers are operating legally. Stakeholders support increasing BABLO's capacity so that illegal shippers are detected and held accountable.

*Beverage Container Law:* Stakeholders support requiring shippers to participate in Maine's Beverage Container Law.

# Report

## Introduction and Background

In 2022, the Maine State Legislature passed LD 1358 and the Governor signed into law, a resolve directing the Bureau of Alcoholic Beverages and Lottery Operations (BABLO) to evaluate direct to consumer (DTC) wine and spirits laws, including to consult with stakeholders affected by direct shipment of wine and spirits to consumers in Maine. BABLO has the responsibility over all liquor licensing and administrative enforcement matters in Maine. BABLO is required to review and evaluate the direct shipment of wine to consumers in Maine under current law, including the impact to the State of exempting direct-shipped wine from the State's beverage container law. The Bureau sought a consultant with experience in alcohol policy research to assist with collecting data on DTC laws and regulations enacted by states, analyzing and synthesizing data and identifying gaps in Maine law relative to laws and regulation in other jurisdictions and supporting BABLO in using the information to develop a report for the committee on Veterans and Legal Affairs (VLA).

Direct to consumer (DTC) shipping refers to the process of a consumer ordering wine or other alcoholic beverages online and having those products shipped directly to their home.

## Methods

**Regular meetings with planning team:** The consultant met regularly with an oversight team from BABLO to guide the research and obtain feedback on findings.

**Assessing content of state Direct to Consumer laws:** For all fifty states and the District of Columbia, DTC shipping laws were examined and reviewed for the content, including type of beverages that can be shipped (i.e., wine, beer, or spirits, or a combination), entities that are allowed to engage in DTC, if a license or permit is required, amount of product that can be shipped, common carrier requirements, fulfillment centers, reporting and auditing requirements, shipper labeling requirements, age identification requirements/procedures and if states have a beverage container deposit law and require participation by shippers. In addition to assessing content of laws, state alcohol control websites were examined to obtain additional information. A matrix of the content of laws was developed to analyze content and synthesize information.

**Scope of enforcement by states:** The consultant made contacts with alcohol enforcement agency staff in 30 states to learn more about enforcement approaches in the states. Contacts were identified using a sample list previously used for a capacity study conducted by BABLO and by searching websites for contact people. State alcohol regulatory agency personnel were interviewed by telephone and/or provided information by email correspondence in response to questions. Information from these contacts was summarized in categories of enforcement approaches and issues.



**Stakeholder assessment:** BABLO held three meetings from September to December 2022 with stakeholders who are impacted by DTC shipping. These sessions were held prior to the consultant coming on board, but were recorded. BABLO staff took notes of the sessions and participating stakeholders reviewed the notes for accuracy and corrections; the notes were provided to the consultant. Since the consultant was not at the stakeholder meetings, participants requested the opportunity to speak with her, so all participants were offered the opportunity to schedule a phone meeting with the consultant to share their perspective. Eighteen representatives from nine stakeholder groups took the opportunity to speak with the consultant, which was done by telephone and Zoom in January 2023. These conversations supplemented and/or clarified information gathered in the listening sessions. Notes from the stakeholder meetings and telephone interviews were analyzed for main themes.

**Common carriers:** Two interviews were conducted with representatives from common carriers, and their websites were reviewed for procedures.

**Maine Beverage Container Law:** Stakeholders shared perspectives on Maine's Beverage Container Law in listening sessions; in addition, laws from the ten states with beverage container laws were assessed for requirements for DTC shippers.

**Supporting BABLO in report development:** The consultant worked closely with BABLO to support staff in developing a final report.

## Summary of State Direct to Consumer Laws

The 21<sup>st</sup> Amendment to the United States Constitution repealed Prohibition and Congress granted states the authority to determine how they would regulate alcohol.<sup>1</sup> Thus, each state has its own unique laws for regulating DTC shipping. This section synthesizes the DTC shipping laws for all 50 states and the District of Columbia and presents main components that are included in many or most states. The number of states that include laws is described, as well as distinctions within states. Tables for many components are presented to illustrate the distribution of variations in states' DTC laws.

### Number of states and types of alcoholic beverages allowed

States may allow DTC shipping of one or more types of alcoholic beverages. All the states that allow DTC shipping allow it for wine; some also allow a combination of malt beverage/beer products or spirits, in addition to wine. Just five states do not allow DTC shipping.

Most states and the District of Columbia (n=46) allow DTC shipping of wine, with 33 only allowing wine to be shipped. A smaller number also allow DTC shipping of beer/malt beverages (n=10) or spirits (n=6) or to craft distillers (n=1). One (n=1) state allows DTC shipping of Ready To Drink (RTD) beverages; one (n=1) allows a resident to receive a direct shipment who obtains an individual permit to receive; one (n=1) allows DTC shipment of beer to a consumer with a connoisseur's license.

Two states allowed expansion of DTC shipping in response to the COVID-19 pandemic to support businesses and protect the public health and continue to temporarily allow DTC shipments in addition to wine in response to COVID-19. One state (California, n=1) is allowing craft distillers to ship until January 1, 2024. One (Maryland, n=1) is allowing shipment of beer and spirits until July 1, 2023; brewers and distillers are not required to obtain a permit to ship during this time period, so wineries have also not been required to obtain a permit. (If the allowance sunsets as planned, brewers and distillers will no longer be allowed to DTC ship and wineries will once again be required to obtain a permit.)

A few states that do not allow DTC shipping, allow special ordering processes. One (n=1) state allows spirits and beer to be ordered and shipped to a distributor and then requires the consumer to pick up the order in person; another (n=1) only allows a consumer to order wine from out of state, which has to be shipped to an in-state retailer and then picked up by the consumer; another (n=1) allows shipment of alcoholic beverages to an in-state wholesaler, which must then deliver it to a retailer, where the customer can pick it up; and one (n=1) state allows a customer to place an order in-person at a winery, to have shipped to their residence.

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<sup>1</sup> Constitutional Law Reporter. United States Constitution: The 21<sup>st</sup> Amendment. Retrieved March 5, 2023. <https://constitutionallawreporter.com/amendment-21/>

*Maine: The state of Maine allows DTC shipping of wine.<sup>2</sup>*

<b>Type of Shipping Allowed</b>			
<b>Beverage Allowed</b>	<b>Description</b>	<b>No of States</b>	<b>States</b>
Wine	States allow only wine shipping	(n=33)	AL, CA, CO, CT, FL, GA, ID, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MO, NV, NJ, NM, NY, NC, OK, PA, SC, SD, TN, TX, WA, WV, WI, WY
Wine, Spirits and Beer	States that allow shipping of wine, spirits and beer	(n=6)	AK, DC, KY, NE, NH, ND
Wine and Craft Distillers	DTC allowed for wine and by craft distillers	(n=1)	AZ
Wine, Beer and RTD	Wine, beer and ready to drink (RTD) spirits beverages allowed	(n=1)	VT
Wine and Beer	Wine and beer allowed	(n=3)	OH, OR, VA
Wine and Beer with a Connoisseur's license	Wine and malt beverage with a Connoisseur's license allow to receive from out-of-state brewery	(n=1)	MT
Wine allowed; allow Spirits or Beer via individual permit to receive	Wine allowed; an individual permit to receive is needed to order spirits or beer	(n=1)	HI
Wine allowed; Temporary COVID-19 expansions	CA allow distillers to ship until 1/1/24; MD allow DTC of spirits and beer until 7/1/23	(n=2)	CA, MD
DTC Not allowed	States that do not allow DTC shipping of any alcohol	(n=5)	AR, DE, MS, RI, UT
Allow non-DTC orders	Allow orders that must be shipped to a distributor or retailer and/or picked up in person	(n=4)	AR, DE, MS, WV

<sup>2</sup> Maine Legislature, Maine Revised Statutes. §1403-A. Direct shipment of wine. Retrieved March 5, 2023. <https://www.mainelegislature.org/legis/statutes/28-a/title28-Asec1403-A.html>

## Types of licenses and permits

Businesses allowed to DTC ship are required to have the appropriate license for manufacturing, distributing or selling alcoholic beverages in their own state or the state they ship from. In addition, nearly all states that allow DTC shipping require a shipper to obtain a direct shipping license (n=22) or permit (n=19); three (n=3) states do not require any kind of shipping license or permit; one (n=1) requires a certificate of compliance; and one (n=1) requires an endorsement. The remaining five (n=5) states do not allow DTC shipping.

*Maine requires a direct shipper license.*

License/Permit Required			
License or Permit Required		No of States	States
License required		(n=22)	AL, AK, AZ, GA, IL, KS, KY, ME, MA, MI, MO, NE, NY, ND, PA, SC, SD, TN, VT, VA, WV, WY
Permit required		(n=19)	CA, CO, CT, HI, ID, IN, IA, LA, MD, NH, NJ, NM, NC, OH, OK, OR, TX, WA, WI
None required	No license or permit is required for DTC shipping in the state	(n=3)	DC, FL, MN
Other	MT requires licensee to obtain an endorsement to ship; NV requires licensee to obtain a Certificate of Compliance	(n=2)	MT (endorsement), NV (Certificate of Compliance)
DTC not allowed	States that do not allow DTC shipping of any alcohol	(n=5)	AR, DE, MS, RI, UT

## Alcohol for personal use/not for resale

Most state laws explicitly state that DTC shipping can only be for personal use (n=43) and nearly all these states (n=41) explicitly state in the law that the products shipped are not for resale. Three (n=3) states are silent on personal use, meaning only that it is not explicitly spelled out in their DTC shipping law.

*Maine's law is explicit that DTC shipping is for personal use only and not for resale.*

<b>Alcohol for Personal Use/Not for Resale</b>			
<b>Personal Use/Not for Resale Explicit</b>	<b>Description</b>	<b>No of States</b>	<b>States</b>
Personal use/not for resale	Law includes language that explicitly states that any alcohol shipped DTC is for personal use only and not for resale	(n=41)	AL, AK, AZ, CA, CO, CT, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TX, VT, VA, WA, WV, WI, WY
Personal/consumer use	Law includes language that alcohol shipped DTC is for personal or consumer use	(n=2)	NV, NH
States silent	State law silent, not explicitly stated	(n=3)	DC, FL, TN
DTC not allowed	States that do not allow DTC shipping of any alcohol	(n=5)	AR, DE, MS, RI, UT

**Limits on quantity**

Most states (n=41) that allow DTC shipping, limit the quantity of alcoholic beverages that can be shipped; five (n=5) states do not limit the quantity that can be shipped. In some states, the quantity an entity can ship to a consumer may be limited to number of bottles, cases, or volume per year. Some states limit a business to only shipping a maximum amount of product a year to all addresses combined. In some cases, a state stipulates in law that if a shipper exceeds a certain quantity in a year, it is required to register with a wholesaler or distributor in the state and make the product available in that state.

<b>Limits on Amount Allowed to be Shipped</b>		
<b>Limit</b>	<b>No of States</b>	<b>States</b>
Set limits on the amount of wine, beer, or spirits that can be shipped to a residence or consumer	(n=41)	AL, AK, AZ, CT, DC, GA, HI, ID, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VT, VA, WV, WI, WY
No limit on amount	(n=5)	CA, CO, FL, IA, WA
DTC not allowed	(n=5)	AR, DE, MS, RI, UT

***Maine limits the amount of alcohol that can be shipped to a consumer. A direct shipper may not ship a container of wine of less than 750 milliliters and may ship no more than 12 cases, each of which may contain no more than nine liters or an equivalent volume, to any one recipient address in a calendar year.***

The following table (continued on the next page) shows the quantity limits for each state.

<b>Limits on Quantity that can be Shipped</b>	
<b>State</b>	<b>Amount</b>
AL	12 cases, no more than 1 liters each to any one Alabama resident
AK	No more than 18 liters of wine in one transaction or 108 liters of wine to a purchaser in one calendar year; 288 ounces of brewed beverages/transaction or 13.5 gallons per year; 1.5 liters distilled spirits per transaction or 4.5 liters per year
AZ	Up to 12 nine-liter cases (as of 2019)
CT	Five gallons of wine in a two-month period
DC	One case (12 bottles/cans of wine or spirits) or 24 bottles/cans beer per location per month
GA	12 standard cases of wine per address per year
HI	Five gallons (19 liters); an unsolicited gift is limited to 3.2 gallons (12 liters); Wine: no more than six nine-liter cases
ID	24 nine-liter cases of wine
IL	12 cases of wine per year to any resident
IN	A consumer may not receive more than 216 liters of wine in total from one or more shippers in one year; the shipper may not ship more than 45,000 liters of wine per year into Indiana
KS	12 standard cases of wine per address per year
KY	Distilled spirits-10 liters per consumer per month; Wine-10 cases per consumer per month; Malt beverages-10 cases per consumer per month
LA	12 cases per adult person per household address per calendar year
ME	Container may not be less than 750 ml, may ship no more than 12 cases that contain no more than nine liters or equivalent volume to one address per year
MD	18 nine-liter cases of wine per year to a single address
MA	Up to 12 cases of wine (not more than nine liters of wine per case) to a resident of the Commonwealth
MI	Shipper not allowed to ship more than 1,500 nine-liter cases or 13,500 liters in total per year; If a direct shipper owns (in whole or in part) or commonly manages one or more direct shippers, it shall not in combination ship to consumers in MI over 13,500 liters in aggregate
MN	Two cases (containing a maximum of nine liters per case) per person per calendar year
MO	No more than two cases of wine per month to any person
MT	Wine: 18 nine-liter cases annually to an individual in Montana; beer: may ship up to 288 bottles or 12 cases from out-of-state brewery per years; any out-of-state brewery is limited to 1,440 bottles or 60 cases of beer per year
NE	Nine liters per month of any type
NV	12 cases or less of wine per year
NH	No more than 60 individual containers of no more than one liter of liquor; 12 nine-liter cases of wine; no more than 27 gallons of beer or beverage in individual containers of not more than one liter
NJ	12 cases per year (case not to exceed nine liters)
NM	2 nine-liter cases of wine monthly
NY	No more than 36 cases (up to nine liters each)
NC	No more than two cases of wine, no more than nine liters, per month. A wine shipper permittee that ships more than 1,000 cases of wine per year must appoint at least one wholesaler to offer and sell the products.
ND	7.13 gallons (27 liters) of wine; 288 fluid ounces or less of beer, 2.38 (nine liters) or less of any other alcoholic beverages per month

OH	No more than 24 cases of 12 bottles of 750 milliliters of wine per year per household
OK	Up to 6 nine-liter cases annually to an OK resident; no resident can purchase more than 30 nine-liter cases per year
OR	No more than two cases up to nine liters per case per resident per month
PA	Up to 36 cases of up to nine liters per case per year; malt/brew shipper limited to no more than 192 fluid ounces per month; and no more than 96 fluid ounces of a specific brand to a single resident per year
SC	A winery may ship no more than 24 bottles of wine each month directly to a resident of SC for personal use
SD	No more than 12 cases of up to nine liters per case in any calendar year; no person may receive more than 12 cases of wine (up to nine liters per case) per year
TN	Up to nine liters of wine to any individual during any calendar month, but no more than twenty-seven (27) liters of wine to any individual in any calendar year; a winery that produces less than 270,000 liters per year may ship up to 54 liters of wine to an individual in a calendar year
TX	Nine gallons within any calendar month or 36 gallons within 12-month period
VT	12 cases of malt beverages containing no more than 36 gallons; 12 cases of vinous beverages or ready-to-drink beverages containing not more than 29 gallons per calendar year
VA	Two cases of wine per month (nine liters of wine) or two cases of beer per month (288 ounces of beer)
WV	No more than two cases of up to nine liters of wine per month
WI	No more than 108 liters of wine annually to an individual (one individual can only receive that amount)
WY	108 liters of manufactured wine to any one household in a 12-month period; if a shipper ships more than 90 liters of any particular manufactured wine to any combination of households or licensed retailers in this state, shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices
<b>No limit on quantity shipped in CA, CO, FL, IA, or WA</b>	
<b>DTC shipping not allowed in AR, DE, MS, RI, UT</b>	

**Entities allowed to ship Direct to Consumer**

In addition to obtaining a DTC shipping license or permit, states specify what types of entities are allowed to DTC ship. Most states (n=38) limit shipping to manufacturers or producers, such as a winery that is engaged in the activity of producing wine, a distillery or brewery and can only sell their own products. In addition, a few states limit the size of the manufacturer, so only distillers who produce less than a set amount of product are allowed to ship. In eight states (n=8), wholesalers and/or retailers are also allowed to ship.

*A small winery or other winery holding a federal basic wine manufacturing permit located within or outside the state of Maine may obtain a wine direct shipper license by filing an application with BABLO.*

The table on the following pages shows the entities that are allowed to DTC ship in each state.

Entities Allowed to DTC Ship (with appropriate license, permit, etc.)	
State	Entity
AL	Wine manufacturer, only own product
AK	Winery retail license, brewery retail license (produce <300,000 barrels per year), distillery retail license (produce <50,000 proof gallons year)
AZ	Winery (produces under 20,000 gallons per year); craft distiller (produces under 20,000 gallons per year)
CA	Winegrower
CO	Winery, only wine produced/bottled by permittee
CT	Winery/manufacturer
DC	Manufacturer, wholesaler, common carrier, retailer
FL	Winery
GA	Winery w/manufacturing permit; only labels submitted to Commissioner
HI	Manufacturers (wine); individuals
ID	Winery
IL	Wine manufacturer
IN	Wine manufacturer
IA	Wine manufacturer; Class A license holder for Native Wines
KS	Winery w/manufacturing permit
KY	Manufacturer (wine, spirits, beer); ship only own brand
LA	Wine producers who operate one or more winery
ME	Winery
MD	Holder of Class 3 manufacturer's license or Class 4 manufacturer's license
MA	Manufacturer in business of manufacturing, bottling, or rectifying wine
MI	Wine maker, wine manufacturer
MN	Winery
MO	Wine manufacturer
MT	Winery w/Endorsement; Connoisseur's license holder can receive from out-of-state brewery that registers w/department
NE	Manufacturer (winery, brewery, distiller) or retailer
NV	Holder of license, permit, or certificate
NH	Manufacturer, importer, wholesaler, retailer
NJ	Plenary winery or farm winery, produce no more than 250,000 gallons of wine per year
NM	Winegrower in-state, winery other states
NY	Winery, farm winery, manufacturer of wine
NC	Winery
ND	Manufacturer or wholesaler, domestic winery
OH	Manufacturer of wine or beer
OK	Winery
OR	Manufacturer or seller of malt beverages, wine, cider (only allowed to ship own manufactured products)
PA	Producer of wine; wholesaler of malt/brewed beverages
SC	Winery
SD	Winery
TN	Winery
TX	Winery
VT	Manufacturer or rectifier



VA	Winery, farm winery, brewery
WA	Winery
WV	Winery, farm winery, supplier, retailer
WI	Winery
WY	Winery, in-state full retail license holder, manufacturer, importer, wholesaler, retailer
<b>DTC shipping not allowed in AR, DE, MS, RI, UT</b>	

### **In-state and out-of-state shipping**

Since the 2005 *Granholm v Heald* Supreme Court Decision<sup>3</sup>, states that allow in-state entities to direct ship must also allow out-of-state entities to direct ship. This ruling clarified the relationship between the 21<sup>st</sup> Amendment which delegates alcohol control and sales to states and the Dormant Commerce Clause. A state that tried to allow in-state shipping while banning out-of-state shipping is now in violation of the Commerce Clause. Thus, states that allow DTC shipping must allow similar out-of-state entities to ship into their state. States usually require the out-of-state entity to be licensed to operate in its home state and require the entity to obtain a license or permit to ship into the state.

### **Carrier requirements**

It is illegal to ship alcoholic beverages through the United States Postal Service, so a shipping service must be used. Many states have explicit requirements for carriers used by DTC shippers. Twenty-one states (n=21) require common carriers be approved or obtain a license or permit to ship alcoholic beverages. An additional five states (n=5) require use of a common carrier (usually FedEx, FedEx Ground or UPS). Nineteen states (n=19) have requirements in their laws for the procedures a carrier must follow, such as checking for age identification, obtaining a signature from someone who is 21 years old or older and prohibiting a carrier from leaving a package at the door. Fourteen states (n=14) do not mention carriers in their laws.

***Maine requires that wine DTC shippers use a common carrier.***

The table on the next page shows common carrier requirements for states.

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<sup>3</sup> Constitutional Law Reporter. *Granholm v Heald Defines Relationship Between 21<sup>st</sup> Amendment and the Dormant Commerce Clause*. Retrieved January 12, 2023. <https://constitutionallawreporter.com/2018/12/27/granholm-v-heald-2005/>

<b>Common Carrier Requirements</b>			
<b>Carrier Requirements</b>		<b>No of States</b>	<b>States</b>
Require carrier to be approved, licensed or permitted	Law requires that a DTC shipper can only use a carrier that has been approved by, licensed by or permitted by the state alcohol control authority	(n=21)	AK, CT, IN, IA, KY, MD, MA, MO, NE, NH, NJ, NY, NC, ND, PA, SD, TX, VT, VA, WV, WY
Required to use a common carrier	Law requires DTC shippers use only a common carrier	(n=5)	AL, KS, ME, MT, TN
Age identification procedures required	Law explicitly requires carrier to use procedures to obtain age identification to verify recipient is 21 or older; obtain signature	(n=19)	CA, HI, IL, IA, ME, MI, MO, MT, NY, NC, ND, OR, SD, TN, TX, VT, VA, WA, WY
Silent on carriers/no requirements	DTC law is silent on carriers	(n=14)	AZ, CO, DC, FL, GA, ID, LA, MN, NV, NM, OH, OK, SC, WI
DTC not allowed	States that do not allow DTC shipping of any alcohol	(n=5)	AR, DE, MS, RI, UT

**Fulfillment centers**

Ten states (n=10) have in law that a fulfillment center can be used by a shipper, with six (n=6) requiring them to be licensed or permitted. Laws in the other states are silent on fulfillment centers.

*Maine does not allow DTC shippers to use fulfillment centers.*

<b>Fulfillment Centers</b>			
<b>Fulfillment Houses Allowed, Licensed</b>		<b>No of States</b>	<b>States</b>
Fulfillment House/Center allowed	Allow shippers to use a fulfillment center/third party shipper	(n=10)	AL, IL, KS, KY, MT, NH, NC, ND, OH, VA
License Fulfillment Center	Fulfillment centers are required to be licensed	(n=6)	AL, KS, NC, ND, OH, VA
DTC not allowed	States that do not allow DTC shipping of any alcohol	(n=5)	AR, DE, MS, RI, UT

## **Preventing underage access or service to intoxicated persons**

It is illegal in all states to sell alcohol to persons under age 21. In many states, it is also illegal to serve alcohol to someone who is obviously intoxicated. Most states have put procedures in place to attempt to prevent alcohol being delivered to someone under age 21. Several states also explicitly prohibit a package containing alcohol from being left with someone who appears obviously intoxicated.

*Age identification procedures:* Almost all states (n=44) that allow DTC shipping explicitly require shippers to take steps to prevent sales to underage persons. In some cases, requirements are laid out in broad language, enabling alcohol beverage enforcement agencies to determine the regulations for age identification procedures. However, in most cases, laws are specific that age identification must be obtained to verify the recipient is 21 years old or older, require a signature by someone 21 years old or older and prohibit leaving the package containing alcohol at the door without obtaining a signature. Many state laws also require common carriers to follow age identification procedures.

*Clearly labeling packages that contain alcohol:* Nearly all states (n=44) that allow DTC shipping require shippers to clearly label packages containing alcohol to show the box contains alcohol and should only be delivered to someone age 21 or older. Typical wording of the label is, “CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY.” This is meant to ensure that the carrier’s driver will know to obtain proof of age and a signature of someone at least 21 years old and to not leave the package at the door.

*No delivery to intoxicated persons:* Ten states (n=10) include language prohibiting a shipper from leaving alcoholic beverages shipped with an obviously intoxicated person.

***In Maine, packages must be clearly labeled, “CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY.” Labels must clearly indicate the name of the direct shipper and the name and address of the recipient. Carriers are required to request photographic identification from the person signing for the shipment to verify the person is 21 years of age or older.***

The table on the next page shows states’ requirements to prevent shipping to underage or intoxicated persons.

<b>Preventing Shipping to Underage or Intoxicated Persons</b>			
<b>Item</b>	<b>Description</b>	<b>No of States</b>	<b>States</b>
Sales allowed only to age 21 or older	Law includes language that DTC shipping sales can only be made to persons aged 21 or older	(n=44)	AL, AK, AZ, CA, CO, CT, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VT, VA, WA, WV, WI, WY
Procedures to ensure recipient is age 21 or older	Law includes language that packages must be clearly marked that they contain alcohol and cannot be delivered to a person under age 21; require signature	(n=44)	AL, AK, AZ, CA, CO, CT, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VT, VA, WA, WV, WI, WY
Intoxicated persons	Law explicitly states a package cannot be left with someone who appears intoxicated	(n=10)	ID, IA, MO, NH, NM, ND, OR, WA, WV, WI
DTC not allowed	States that do not allow DTC shipping of any alcohol	(n=5)	AR, DE, MS, RI, UT

**Reporting and auditing requirements**

*Reporting requirements by shippers:* Reporting by shippers is required in law by 44 states; just two (n=2) do not have a reporting requirement. State reporting requirements vary, and may be required monthly (n=12), quarterly (n=10), semi-annually (n=2), annually (n=13) or as requested by the alcohol authority (n=7). Many states require DTC shippers to maintain records for multiple years and make them available on request. Common carriers are also required to report DTC shipping in some states, with some states specifying the content of the reports.

*Auditing requirements:* Thirty-three states (n=33) specify in their laws that DTC shippers are required to make their records available for auditing purposes upon request.

*Maine requires DTC shippers to report annually as prescribed by BABLO and to include total number of cases of wine shipped to residents in Maine; in-state direct shippers are required to report shipments made outside the state, name and residence address of shipment recipients in-state, the common carrier used, and date, quantity and purchase price of each shipment. Shippers are required to provide records if requested for an audit. Maine does not require common carrier reporting.*

<b>Reporting and Auditing Requirements</b>			
<b>Timing of Report</b>	<b>Description</b>	<b>No of States</b>	<b>States</b>
Monthly	Reporting is required monthly	(n=12)	CO, FL, GA, LA, NV, NH, NM, TX, VA, WA, WV, WY
Quarterly	Reporting is required quarterly	(n=10)	AL, KS, KY, MD, MI, NC, OR, SD, TN, WI
Semi-Annual	Reporting is required two times a year	(n=2)	IL, VT
Annual	Reporting is required annually	(n=13)	AZ, CA, HI, ID, ME, MA, MO, NJ, ND, OH, OK, PA, SC
As requested	Reporting is required as requested by the alcohol authority	(n=7)	AK, CT, IN, IA, MT, NE, NY
None	No reporting is required	(n=2)	DC, MN
Auditing	Laws have language that shippers must allow auditing or examination of records upon request	(n=33)	AL, AK, AZ, CA, HI, ID, IL, IN, IA, KY, ME, MD, MA, MI, MO, MT, NE, NV, NH, NM, NY, NC, OH, OK, OR, PA, SC, SD, TN, TX, VT, WV, WY
DTC not allowed	States that do not allow DTC shipping of any alcohol	(n=5)	AR, DE, MS, RI, UT

### **Prohibition of shipping to dry areas**

Seven states (n=7) prohibit DTC shipping to jurisdictions that prohibit alcohol sales, such as a dry county or city. One state (n=1) has in law that it allows DTC shipping into dry areas.

*In Maine, DTC shipping is prohibited to an address in an area identified by BABLO as a prohibited shipping area or a local option area.*

The table on the next page shows information on local option/dry areas.

<b>Local Option/Dry Areas and DTC Shipping</b>			
<b>Item</b>	<b>Description</b>	<b>No of States</b>	<b>States</b>
Prohibited	DTC shipping is prohibited to local option areas that are dry in the state	(n=7)	AL, CT, FL, ME, NH, VT, WV
Allowed	DTC shipping is allowed in dry areas in the state	(n=1)	TX

**Restrictions on days or hours of delivery of products shipped**

A handful of states limit DTC shipping deliveries to certain days (such as prohibiting Sunday delivery) or within certain hours of the day.

**Bottle Bill/Beverage Container Laws**

Ten (n=10) states have bottle deposit laws; DTC shippers in two states (n=2) are not subject to compliance with their state laws. Five (n=5) states require shippers to participate and comply with their bottle bill. Three (n=3) states that only allow wine shipping do not include wine containers in their bottle bills.

*DTC shippers are not subject to the Maine Beverage Container Law.*

(Additional information on Beverage Container laws appears later in this report on page 27.)

## Scope of Enforcement by States

In each state, alcohol regulatory authorities are responsible for oversight and compliance of DTC shipping. States face two challenges with shipping—supporting businesses that aim to operate within the parameters of the law and detecting illegal shippers that operate outside the law, sometimes intentionally. States seek to ensure that DTC shippers and carriers are in compliance with laws, detect issues and violations and address problems. Enforcement efforts typically focus on ensuring that shippers are complying with license requirements, quantity of products allowed, procedures to prevent access by underage or intoxicated persons and that carriers are complying with signature requirements. In addition to oversight of licensed or permitted DTC shippers, most states also seek to identify illegal shippers who are shipping in violation of the law.

### Scope of Enforcement by States

- Responding to Complaints (some states rely primarily on responding to complaints)
- Compliance Operations (some states conduct operations to detect violations):
  - Prevent sales to underage or intoxicated persons
  - Detect illegal shippers
  - Assess compliance with delivery procedures
- Reporting by DTC shippers (monitoring reports for compliance with types of products allowed and quantity limits)
- Reporting by Carriers (monitoring for delivery procedures, and reconciling carrier reports with shipper reports)
- Actions taken on violations by in-state shippers (education/counseling to bring a shipper into compliance, fines or graduated penalties or actions on licenses)
- Actions taken on violation by out-of-state shippers (contact to discontinue shipping, send cease and desist letters)
- Fulfillment center enforcement (monitor to ensure they are operating within legal parameters)
- Capacity limitations (enforcement is limited by capacity and resources in many states)

### Responding to complaints

One means of enforcement of DTC shipping laws is response to complaints. For some states, DTC enforcement is primarily complaint driven. Response to complaints may be as basic as contacting the shipper to educate them and/or inform them they need to obtain the required

license or permit. In some cases, when a complaint is received, an investigation is conducted, or a state may do a “sting” or compliance operation.

### ***Maine BABLO responds to and investigates complaints.***

#### **Compliance operations**

A few states do proactive compliance operations to monitor compliance with procedures to prevent underage sales, ensure delivery procedures are followed, ensure only allowed products and amounts are shipped and to detect illegal (unlicensed/unpermitted) shippers. Many states do not have the capacity to undertake compliance operations, and several are currently attempting to develop compliance operation processes.

Compliance operations typically assess:

- At time of order, verification that the person placing order is 21 years old or older
- Packages are properly labeled that they contain alcohol and can only be received by someone 21 years old or older, such as “CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY”
- The driver obtains age identification of the recipient, verifying that s/he is 21 years old or older
- The driver obtains a signature (electronically or on paper)
- Packages are not left at the door without contact
- The shipper is a legal entity with license or permit as required
- The shipment contains only allowed products (i.e., only wine in some states, etc.)
- The shipment does not exceed allowed limits

*Preventing underage access:* A few states use an underage “buyer” who attempts to place an order for alcohol online. In one state, an investigator and the youth decoy use screen share on Zoom or Teams so the investigator can witness the shipper’s age identification compliance and procedure. When the delivery attempt is made, investigators assess proper age identification procedures, whether a signature is obtained or if the package is left at the door without obtaining a signature.

*Detecting illegal shippers:* A few states place orders to non-licensed out-of-state entities to identify illegal shippers. Agents use a pre-paid gift card or obtain a credit card to place online orders from several shippers that indicate on their websites they ship into the state, but are not authorized by the state to do so. A delivery address is provided when the order is placed. Some locations used for delivery have included renting an apartment or hotel room, a business location or sometimes an investigator’s personal address so that delivery procedures can be monitored.

*Assessing delivery procedures:* Most states require drivers to obtain signatures and check age identification upon delivery, so some states assess carriers for compliance with delivery procedures. Anecdotally, several states say delivery procedures are lax. One state provided data



to their legislature when they found low compliance in these operations, with many drivers not obtaining age identification or a signature or leaving unattended packages at the door. A few states observed that carriers were avoiding in-person contact when operating under COVID-19 protocols, but that the problem has continued as restrictions have eased.

*Logistical challenges for compliance operations:* Compliance operations can present some logistical challenges for states to overcome. Payment methods are needed, so a state must be able to get a credit card to use, or in some cases, agents have used a pre-paid credit or gift card. When reviewing invoices, one state noted their accounting department had an issue with the state paying sales taxes in another state, and the department had to work with accounting to help them understand that identifying themselves as a state entity exempt from paying a tax, would have exposed their operation. Another state said the dollar amount of products ordered raised questions in their accounting department. The address for delivery can also pose a challenge. One state has rented a hotel room for two days to receive orders, some personnel have allowed shipment to their home residence, and some use the agency business location for shipments.

***While Maine BABLO investigates complaints and suspicious situations, it does not routinely conduct compliance operations to identify illegal shippers or assess delivery procedures without a complaint. Some situations necessitate coordination with or a referral to local law enforcement. For example, Maine does not require carriers to be licensed, which means BABLO does not have administrative authority to enforce violations, so an operation to assess carrier compliance with age identification, signature and delivery procedures would need to be coordinated with local law enforcement agencies.***

## **Reporting by Direct to Consumer shippers**

Shippers are required to submit reports in most states. These reports help verify that shippers are complying with requirements. Timing of required reporting varies by state and may be required monthly, quarterly, semi-annually, annually, or as requested. Many states also require shippers to maintain records for several years and to make them available upon request. Typical content of reports may include some or all of the following:

- Name and address of the shipper
- License/permit number of the shipper
- Evidence that the shipment was signed for by someone age 21 or older
- Name and license number of the common carrier
- Fulfillment center name if used, and license number if license is required
- Date order was received
- Date shipment was delivered
- Name and address of recipient
- Quantity of shipment
- Taxes paid

*In Maine, DTC shippers are required to provide reports to BABLO annually. Investigators examine occasional instances that appear questionable, such as a shipper reporting large quantities shipped. Shipping reports have transitioned from individual paper forms to an Excel spreadsheet format recently. Reports are reviewed for quantity, allowed products (i.e., no wine coolers, beer, spirits) and bottle size as resources allow. Systematic assessment and review of shipping reports is not possible.*

## **Reporting by carriers**

Many states require shippers to use a common carrier and some states require carriers to obtain a license or permit for shipping alcohol. Common carriers are required to submit regular reports in some states. Carrier reports can be reviewed to identify illegal shippers or quantities, or to look for information on a complaint. For states that also require reporting by shippers, carrier and shipper reports can be reconciled and discrepancies can be investigated. In some states, enforcement agents assess reports, while some states assess reporting through their Department of Revenue or taxation departments. One state noted it does not require carrier reporting, but has subpoenaed records from carriers on occasion to pursue a specific problem.

Some states take action on a carrier that does not follow procedures; other states place responsibility with the shipper to monitor and ensure that carriers follow all required procedures.

In addition, the major carriers (primarily UPS, FedEx, and FedEx Ground) have policies and procedures for shipping alcohol for each state. While carrier policy is for drivers to be trained to check age identification and obtain signatures, alcohol enforcement agencies have found uneven compliance with those policies. There are some procedures carriers do not do, such as UPS will not scan the ID presented at delivery, even though some states request it. In addition, carriers can report the weight of a package, but the internal quantity of bottles and sizes is not possible. One state has worked with the United States Postal Service to investigate and identify illegal shipment of alcohol. (Shipping alcohol via USPS is illegal.)

Frequency of reporting varies and may be monthly, quarterly, semi-annually, annually, or as requested. Carrier reporting is generally in an Excel spreadsheet format and some states noted they receive the reports on a CD. At least one state sends out an annual report form request to shippers, but most have a process in place with shippers to receive reports regularly.

A few states identified challenges related to carrier reports. The quantity of data received in reports can be so vast that it is impossible to assess the volume of information with available staff. One state said the monthly report from just one carrier may range from 20,000 to 100,000 entries. Some states say they are unable to review the data systematically.

Several states maintain lists for carriers to check to be sure a shipper is operating legally. This may be a list of licensed shippers in some states, or in others, a list of entities that have been identified as illegal shippers. Carriers are instructed to check those lists and only ship from legal

entities. One state used to place a banned entity on its list for just 90 days, but has since changed their law to keep an illegal shipper on the list until they have resolved their status and obtained the necessary license or permit. Some states do not maintain a list but will notify carriers of an illegal shipper to stop shipments from coming into the state.

***Maine does not require common carrier reporting; thus, Maine is not able to investigate shippers by reconciling shipping and carrier reports.***

### **Actions taken on violations by in-state shippers**

When a violation is detected by an in-state shipper, alcohol enforcement agencies can address it through their licensing authority, usually starting with educational efforts, and then proceeding to administrative hearings and penalties on the license/permit. If a shipment is made to an underage person, the shipper (or sometimes the carrier) can be cited for serving an underage person. If the entity is shipping illegally without the proper license or permit, some states will charge them criminally. In some states, licensing is done by a local jurisdiction, so the state authority makes a referral to the local body.

***Potential violations for Maine in-state shippers include shipping amounts over the limits allowed or shipping a product not allowed (such as wine coolers, beer or spirits). In-state DTC shippers in violation of the shipping law can face a fine from \$500 for a first offense and \$1,000 for a second offense; further violations could result in suspension or revocation of the shipping license. An in-state shipper selling to underage would be referred to local law enforcement.***

### **Actions taken on violations by out-of-state shippers**

If an out-of-state entity is licensed or permitted by the state, the license/permit might be revoked for shipping illegal products or above the quantity allowed. For illegal shippers without a license or permit, most states will send a cease-and-desist letter. Some notify the carrier that the entity has been shipping illegally and require the carrier stop shipping for the violator. In some states, the Attorney General's office may pursue more egregious violators. Some agencies will also notify the alcohol enforcement authority in the state where the violating shipper is located, to ask them to follow up or intervene. In some cases, a state will work with the illegal shipper to get their state removed from its website so orders cannot be placed from their state.

Out-of-state violators can present special challenges for enforcement agencies. Enforcement agencies may have limited authority in another state. Some issues may need to be handled via a state's Attorney General, which may not be practical for lower-level violations. A cease-and-desist letter can be sent, but follow-up action may be infeasible for many alcohol enforcement agencies.

For both in-state and out-of-state violators, education and an attempt to bring the entity in compliance is usually the preferred starting point. If violations continue, or an entity fails to get the required license or permit, more serious actions may be taken.

***In Maine, when an out-of-state shipper is found in violation, the first step is education or counseling, to advise the shipper that a license is required and recommend corrective actions. If the shipper does not comply, BABLO graduated sanctions would be taken. If an entity is found to be shipping illegally into Maine without a license, BABLO sends a cease-and-desist letter.***

### **Fulfillment center enforcement**

For states that allow use of fulfillment centers, the shipper using the fulfillment center is often still required to have a license/permit to DTC ship. One state became aware that a fulfillment center was telling shippers they did not need a license because the fulfillment center was licensed; the state pursued the fulfillment center. States have also identified an entity that is operating as a fulfillment center when they are technically a winery, a situation that can be challenging to detect.

***Maine does not allow shipping via fulfillment centers. BABLO attempts to identify businesses that may be operating as a fulfillment center in violation of the DTC law. If a violation is detected, advises the fulfillment center of the violation and requests a cease and desist.***

### **Capacity limitations**

Resource and capacity limit enforcement efforts in many states. While a handful of states have personnel assigned specifically to overseeing DTC shipping, several agencies noted that they could do more proactive monitoring and oversight of DTC shippers if they had more staffing or resources. More timely reporting procedures would help some states, as well as sufficient staff to assess and reconcile shipping and carrier reports. DTC shipping investigations can be time consuming and several states said they do not have capacity for more than responding to complaints. Several states said they are unable to devote as much time to DTC shipping enforcement as they would like, and that they are unable to adequately monitor it. Many are concerned that “they don’t know what they don’t know” and without sufficient resources, they feel they cannot adequately assess or address issues.

***Maine BABLO’s capacity impacts the extent of enforcement activity it is able to carry out. Oversight and enforcement of DTC shipping is one of BABLO’s responsibilities. BABLO is responsible for regulating all aspects of the alcohol industry in Maine by ensuring responsible business practices by agency liquor stores, off-premises beer and wine retailers, in-state manufacturers of beer, wine, and spirits, beer and wine wholesalers and on-premises licenses (bars and restaurants) while creating a favorable economic climate. In addition to these responsibilities, Maine is one of 18 jurisdictions that operates under the control model of***

*alcohol regulation where the state is a market participant and the sole wholesaler of spirits in the state, selling and distributing spirits to agency liquor stores. Revenues from the sale of spirits in the state go back to the state, supporting essential services in the state. BABLO has responsibility for the pricing, listing and delisting of spirits products, licensing private businesses as agency liquor stores and licensing on-premises establishments (bars and restaurants). It also contracts with a third-party contractor for spirits administration and trade marketing, including warehousing, distribution, inventory, financial management, product maintenance and marketing activities.*

*As of 2022, BABLO had 17 FTEs (full time equivalent employees); 7 of those positions are in enforcement. In 2022, there were 649 licensed DTC shippers in Maine, in addition to 11,418 on-premises and off-premises licenses. The ratio of licenses to enforcement staff is 1,631:1. Oversight and enforcement of DTC shipping is one of many responsibilities in BABLO's portfolio of responsibilities. Like many states, Maine does not have a dedicated DTC enforcement/oversight unit. Many of Maine's systems are not digitalized yet, which also limits capacity for overseeing DTC shipping.*

## Beverage Container Laws

Maine enacted a Beverage Container Law in 1976. The bill has been widely embraced and Maine consumers are familiar with paying a deposit on bottles and containers and returning them for redemption. When Maine enacted DTC shipping, wine shippers were exempted from the Beverage Container Law. Ten states currently have Beverage Container (or Bottle Bill) laws.

Maine is one of two states (Iowa is the other) that exempt shippers from participating in its Beverage Container Law. Three states have Beverage Container Laws, but do not include wine as a covered beverage, so they are not applicable to DTC shippers. California is in the process of requiring shippers to participate in its Beverage Container law, with full compliance being required by January 1, 2024. The remaining four states do not exempt DTC shippers from their Beverage Container laws or have any unique procedures for them to comply.

The table below shows the beverages covered in the ten states that have Bottle Bills.

State	Beverages Covered	Deposit amount	Compliance Required?	Year Passed
California	Beer, malt, wine and distilled spirit coolers; all non-alcoholic beverages, except milk. Excludes vegetable juices over 16 oz.	5¢ (<24 oz.) 10¢ (≥24oz.)	Register with Dept of Resources Recycling & Recovery; comply with Bev Container Recycling & Litter Reduction Act--including reporting & payment provisions as a beverage manufacturer and distributor; DTC must comply as of January 1, 2024 (non-compliance could result in loss of DTC permit)	1986
Connecticut	Beer, malt, carbonated soft drinks, bottled water	5¢	Must comply for beverages as required, no specific procedures for DTC	1978
Hawaii	Beer, malt, mixed spirits and wine; all non-alcoholic drinks, except dairy products	5¢	Must comply for beverages as required, no specific procedures for DTC	2002
Iowa	Beer, wine coolers, wine, liquor, carbonated soft drinks, mineral water	5¢	DTC exempt	1978
Maine	All beverages except dairy products and unprocessed cider	15¢ (wine/liquor) 5¢ (all others)	DTC exempt	1976
Massachusetts	Beer, malt, carbonated soft drinks, mineral water	5¢	Does not apply-wine containers are exempt	1981
Michigan	Beer, wine coolers, canned cocktails, soft drinks, carbonated and mineral water	10¢	Does not apply-wine containers are exempt	1976
New York	Beer, malt, wine products, carbonated soft drinks, soda water, and water not containing sugar	5¢	Does not apply-wine containers are exempt	1982
Oregon	Beer, malt, carbonated soft drinks, bottled water (will cover all beverages except wine, distilled liquor, milk, milk substitutes and infant formula by 2018).	10¢ and 2¢ (standard refillable)	Must comply for beverages as required, no specific procedures for DTC	1971
Vermont	Beer, malt, mixed wine, liquor, carbonated soft drinks.	15¢ (liquor) and 5¢ (all others)	Must comply for beverages as required, no specific procedures for DTC	1972

***Maine does not require DTC shippers to participate in the Beverage Container Law.***

# Stakeholder Meetings and Interviews Summary

## Stakeholder meetings and interviews

In fall 2022, three stakeholder listening sessions were held to learn perspectives, opinions, and concerns about direct-to-consumer (DTC) shipping. The listening sessions were coordinated and facilitated by the Bureau of Alcoholic Beverages and Lottery Operations (BABLO) and held on September 22, October 27 and December 1, 2022. The sessions were recorded and staff took notes, which were distributed to participants for their review and edits. The recordings and notes were also made available to the consultant secured by BABLO to gather input and information on DTC shipping. At the request of several stakeholders, they were offered the opportunity to speak with the consultant since she had not been secured until after the listening sessions were completed. Eighteen representatives from nine stakeholder groups took the opportunity to speak with the consultant, which was done by telephone and Zoom. These conversations supplemented and/or clarified information gathered in the listening sessions, but original information was included. (A list of stakeholder organizations is provided in the Appendix on page 42.)

## Summary of stakeholder input

Topic	Stakeholder Perspectives
<b>Current DTC wine law</b>	<p>Maine Beer &amp; Wine Distributors Association—Important to assess current DTC shipping process for wine before expanding to spirits, including:</p> <ul style="list-style-type: none"> <li>• Clarify definition of who is eligible to obtain a DTC permit—include “of own production” language to ensure shipper is an active producer</li> <li>• Create procedures to ensure shippers are properly licensed and paying appropriate taxes</li> <li>• Define fulfillment center and detail procedures for reporting and licensure</li> </ul> <p>Wine Institute—Wine DTC law should be updated, was written many years ago; open to working with BABLO to look at challenges and identify solutions to existing wine DTC law; supports improved language to define wine manufacturers to ensure shippers are truly producers</p> <p>Maine Winery Guild—Important to protect wineries’ ability to ship—it’s a privilege they currently have and want to maintain; the current process for shipping in Maine works and is relatively simple; shipping within Maine is the biggest value of DTC for Maine wineries</p>
<b>DTC shipping—expansion to spirits and/or distillers</b>	<p><b>Support expansion of DTC shipping to include spirits</b></p> <p>Distilled Spirits Council of the United States (DISCUS)—Initiated LD 1358 and worked with BABLO to find common ground; DTC of spirits addresses change in consumer demand, allows consumers to shop online; expands</p>

products available to Maine consumers (that are not or would not be listed in Maine); work within parameters of Maine as a control state; see focus on niche products or ultra-premium limited products; would serve rural/remote areas of Maine; DTC of spirits is not intended to undermine current sales for retail businesses

**Support expansion of DTC to distilleries**

Maine Distillers Guild members—Supportive of expansion for distillers; DTC should benefit craft distillers and focus on small distillers; DTC shipping would be supportive of Maine businesses; enhance relationships with customers by being able to ship; increased revenue for Maine distillers; provide more options for customers; some Maine Distillers Guild members support; DTC should focus on small producers who ship under 50,000 to 100,000 proof gallons into Maine per year

Maine Winery Guild—Would support expansion of DTC to Maine distilleries

**Challenges/concerns:**

Retail Association of Maine—Brick-and-mortar stores will be challenged by DTC and ecommerce; online sales need to be monitored with clear policies; expansion of Maine-made products in the marketplace puts more stress on retailers; what is the role of agency liquor stores in DTC of spirits and it is important to consider unintended consequences

Maine Grocers and Food Producers—Concern of how DTC of spirits may impact agency stores; agency stores go through an approval process to get a specific license and designate shelf space for products and make investments in stores based on predicted sales—concern that DTC of spirits may impact agency stores’ profit margins; concern over not knowing how DTC may impact brick-and-mortar stores; potential to decrease foot traffic; there is concern that specialty/niche products no longer be available for agency stores to sell—what is the “trigger” quantity that will require a product be made available for sale in agency stores; it is important that no incentives be created that encourage a company to DTC ship rather than make a product available to an agency store to sell—some of these specialty products are highly sought after and drive business to stores

**Not a firm position/seek more information**

American Distilled Spirits Alliance—Generally supportive but not all members are aligned on supporting

National Convenience Store Association—Trying to understand, not certain what the impact of DTC would be on convenience stores and their customers



	<p><b>No position</b>  Wine Institute—Takes no position on expansion of DTC shipping to spirits as long as any new processes do not create a burden or obstacle for wine shippers</p>
<b>Ensure DTC of spirits works for Maine</b>	<p>DISCUS—Wants to protect the current marketplace, be reflective of and respective to the population of Maine and its character</p>
<b>Reporting process</b>	<p>Maine Distillers Guild—Should be streamlined and seamless with what distillers do in their tasting rooms</p> <p>Maine Beer &amp; Wine Distributors Association— Reporting procedures/requirements should be enhanced, including by common carriers</p>
<b>Parity for in-state shippers and those shipping into Maine from out-of-state</b>	<p>Maine Distillers Guild—Processes and costs should be the same for in-state and out-of-state shippers (so as not to penalize in-state shippers)</p> <p>Maine Winery Guild—If Maine wineries must comply with state laws and regulations, DTC shippers should have the same regulations</p> <p>Maine Grocers and Food Producers—Essential that shippers pay the same taxes in the same way required of others in the system</p>
<b>Common Carriers</b>	<p>Maine Beer &amp; Wine Distributors Association— Common carrier definition need to be clarified and detailed procedures developed for reporting and licensure</p> <p>Wine Institute—Supportive of common carrier reporting requirements as long as they are not a roadblock for smaller wineries to participate in DTC shipping; Carrier reporting should include 1) name of carrier, 2) time period covered, 3) name and address of the shipper, 4) name and address of the consumer, 5) date of delivery, 6) a unique tracking number, and 7) the weight of the package delivered</p> <p>DISCUS—Supports developing processes with carriers to avoid underage purchases</p> <p>Maine Winery Guild—Common carriers take the responsibility of shipping alcohol seriously</p> <p>Maine Centers for Disease Control, Public Health (CDC &amp; PH)—Common carrier procedures need to be enforced, such as ensuring signatures of an over 21 year old are obtained and packages are not left unattended at the door; age verification by carriers is important</p>

	Maine Grocers and Food Producers—Supports common carrier reporting, including age verification and delivery protocols
<b>Support safeguards for preventing underage sales</b>	<p>Maine Distillers Guild—Supports safeguards to prevent underage sales</p> <p>Maine Beer &amp; Wine Distributors Association—Clarify age identification accountability and procedures for carriers</p> <p>DISCUS—Supports prevention of underage sales and recognize alcohol as a unique substance</p> <p>Maine Winery Guild—Preventing sales to underage is important</p> <p>Maine Centers for Disease Control, Public Health (CDC &amp; PH)—Essential to prevent underage access</p> <p>Maine Grocers and Food Producers—Carriers should verify age identification to prevent underage sales</p>
<b>Public Health &amp; Safety concerns</b>	Maine Centers for Disease Control, Public Health (CDC & PH)—Concern that increased access will correlate to increased consumption and public health problems; state needs a more comprehensive view of increased access that takes consequences into consideration; alcohol-related deaths increased by 47% from 2019 to 2021 and consumption by adults increased during COVID-19; increased access should be accompanied by increased resources for public health campaigns around safe monitoring and storage, prevention of youth access, and education
<b>BABLO needs greater enforcement and oversight capacity</b>	<p>Maine Distillers Guild—Some members see a need for greater enforcement and capacity at BABLO</p> <p>Maine Beer &amp; Wine Distributors Association—Supports greater capacity at BABLO, including upgrades in technology</p> <p>Wine Institute—Greater enforcement capacity needed, both staffing and digital systems, and dedicated funds to support the Bureau; supportive of processes to detect illegal shippers and hold them accountable</p> <p>DISCUS—List products in the state price calculator; support more staff and capacity at BABLO as needed for oversight and enforcement of DTC</p> <p>Maine Winery Guild—Ensure that BABLO has sufficient staff and resources to monitor DTC shipping</p>

	<p>Maine Centers for Disease Control, Public Health (CDC &amp; PH)—Provide increased resources for BABLO to ensure adequate monitoring and oversight capacity, including auditing procedures</p> <p>Maine Grocers and Food Producers—BABLO capacity needs to increase; ensure BABLO has the right to list or delist any product at any time; essential to have procedures and resources in place to ensure that shippers participate in DTC in a legal manner</p>
<p><b>Improve technology and online systems</b></p>	<p>Maine Distillers Guild—Need ease of online systems that are simple, reliable and predictable</p> <p>Maine Beer &amp; Wine Distributors Association—Improve technology for online reporting; systems are needed that support ecommerce</p> <p>Wine Institute—Improved digital/online systems needed</p> <p>Maine Centers for Disease Control, Public Health (CDC &amp; PH)—Increase BABLO’s technology capacity</p> <p>Maine Grocers and Food Producers—BABLO needs improved, updated technology</p>
<p><b>Beverage Container Law compliance—supportive</b> <i>(The law is also referred to as the Bottle Bill or Redemption Bill by some)</i></p>	<p>Maine Distillers Guild—Supportive of needed policies/rules, such as registering, paying required bottle deposit, feel out-of-state shippers should also comply/participate (already participate in their brick-and-mortar sites)</p> <p>Rooper’s—Current DTC exemption from the Bottle Redemption Bill adds substantial costs into the system; redemption centers absorb substantial costs from orphan bottles that enter the system with no deposit; the state of Maine is losing money for payouts on orphan bottles; undercuts purpose of Bottle Redemption as more bottles end up in landfills; DTC shippers should participate in the system</p> <p>Maine Beer &amp; Wine Distributors Association—Should be complete compliance with Bottle Bill; support increasing the redemption handling fee; DTC products shipped into Maine should be required to register with Department of Environmental Protection for bottle deposit before being allowed to ship into Maine</p> <p>Maine Beer &amp; Wine Distributors Association—Support requirement of full compliance with the bottle deposit bill by DTC shippers</p> <p>Wine Institute—Wine shippers can collect the 15 cents bottle deposit and forward to DEP, but if 100% compliance is required, it could be prohibitive</p>

	<p>for some small wineries, so Wine Institute would oppose 100% compliance requirements and see them as unworkable</p> <p>DISCUS—Willing to work with Maine’s Bottle Deposit law to develop a process to collect and remit those funds to BABLO</p> <p>Maine Winery Guild—The Bottle Deposit Law should be enforced; Maine consumers are used to paying a bottle deposit and expect it</p> <p>Maine Centers for Disease Control, Public Health (CDC &amp; PH)—Supports requiring compliance/participation in Maine’s Bottle Bill</p> <p>Maine Department of Environmental Protection (DEP)—It is important to get wine bottles from DTC into the system; requiring DTC compliance with the Bottle Bill will level the playing field; DTC shippers do not contribute to the costs and are free riders in the system; DTC exemption from the Bottle Bill creates real costs for redemption centers; it is ingrained among Maine consumers to take bottles in for redemption, so they do not always recognize they are returning an orphan bottle; need to get wine bottles into the system so the deposit is being collected</p> <p>Maine Grocers and Food Producers—DTC shippers should comply with the Bottle Bill</p>
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Stakeholders are generally supportive of working with the state to identify areas that improve compliance and oversight of DTC wine shippers. For the current law that allows DTC shipping of wine, most stakeholders agree that reporting by common carriers would be beneficial. The main concern expressed with any changes is that they not be burdensome for shippers. There is support for increasing staffing capacity and technology resources for BABLO to enable it to better serve shippers and the residents of Maine and to ensure the public safety. All stakeholders are supportive of efforts that prevent shipping to underage persons. Stakeholders also generally support compliance with Maine’s Beverage Container law.

Several stakeholders expressed support for expanding DTC to spirits. The Distilled Spirits Council of the United States (DISCUS) supports expansion of DTC shipping to spirits to allow shipment of specialty or limited-run products; expressed willingness to work closely with the state to ensure it works for the state of Maine as well as its members; and sees benefits for rural and remote areas of the state that may not have access to specialty or promotional products. DTC of spirits would include products that are not currently listed; if a product reaches a certain threshold, it would be required to go through the listing process and no longer be shipped. Maine’s craft distillers see numerous benefits to being able to DTC ship their products, including creating jobs, supporting tourism, and helping them develop ongoing relationships with their customers who visit their distilleries in person. Some distillers would like to see an expansion of DTC shipping focused on only small producers.

While there is considerable support for expansion of DTC to spirits, there are some cautions raised. A concern for agency stores is potential competition or lost sales if DTC shipping is expanded to include spirits. Spirits products draw customers into their stores, and there is concern that foot traffic might be reduced if consumers can have products shipped to their home. Some raised concern that some specialty products might not be made available to them to sell in their stores if those products are allowed to be shipped. Agency and retail stores emphasize the importance of ensuring they are still able to obtain high-end, limited run and specialty products for sale in their stores and that any expansion of DTC to spirits not limit or reduce their availability.

Public health experts are concerned that expanding access options may increase risks of underage access and increased consumption. During the pandemic, Maine saw increased alcohol consumption. Public health representatives strongly support strong carrier procedures be put in place to require proof that recipients are 21 or older and that packages are not left unattended. They also identify a need for public education efforts to accompany any expansion of shipping.

## Conclusion

Nearly all states allow DTC shipping of wine. Types of products allowed to be shipped and laws regulating DTC shipping vary, but all attempt to ensure that shippers are operating legally and to exercise some oversight over shippers. Enforcement also varies between states, with some being primarily complaint driven and some conducting routine operations to detect illegal shipping and bring shippers into compliance. Many states express concern that they have limited capacity to be able to adequately oversee DTC shipping in their states in addition to their other oversight responsibilities. Maine stakeholders are largely supportive of DTC shipping of wine, but see areas where the current law could be strengthened to provide for stronger oversight. Many stakeholders are supportive of expanding DTC shipping to spirits, seeing it as a benefit to their business, Maine's economy and tourism. Some stakeholders express concern about expanding DTC shipping to spirits, concerned that it may compete with existing retail businesses and agency stores and reduce foot traffic to their businesses. Public health experts are concerned that underage persons may more easily access alcohol via shipping and recommend increased access be accompanied by additional support for public health education campaigns. All stakeholders express support for ensuring that any shippers be required to adhere to the same licensing and taxation regulations as brick-and-mortar businesses. Stakeholders support strong enforcement of laws and procedures that prevent underage persons from obtaining alcohol via DTC shipping. Stakeholders also identify a need for BABLO to have the necessary resources (both staffing and technology) to exercise sound oversight over DTC shipping that also meets the needs of businesses.

## **Appendix**

- Page 37: Maine statute §1403-A. Direct shipment of wine  
Page 40: Table of DTC Shipping by State and License/Permit Requirement  
Page 42: Stakeholder list of participating organizations

## Maine

<https://www.mainelegislature.org/legis/statutes/28-a/title28-Asec1403-A.html>

### §1403-A. Direct shipment of wine

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Direct shipper" means a winery that has obtained a wine direct shipper license under [subsection 2](#). [PL 2009, c. 373, §1 (NEW).]

B. "Outside the State" means any state other than Maine and any territory or possession of the United States, but does not include a foreign country. [PL 2009, c. 373, §1 (NEW).]

[PL 2009, c. 373, §1 (NEW).]

**2. Direct shipment of wine.** A small winery or other winery holding a federal basic wine manufacturing permit located within or outside the State may obtain a wine direct shipper license by filing with the bureau an application in a form determined by the bureau accompanied by an application fee of not more than \$200, a copy of the applicant's current federal basic wine manufacturing permit and a list of wine labels to be shipped in accordance with this section.

[PL 2013, c. 368, Pt. V, §46 (AMD).]

**3. Direct shipper application.** Before sending a shipment to a resident of this State, a direct shipper must file an application for a wine direct shipper license under [subsection 2](#) with the bureau on a form issued by the bureau along with a true copy of its current winery license issued in this State or another state and a \$100 registration fee.

[PL 2021, c. 658, §242 (AMD).]

**4. Direct shipment requirements.** A direct shipper may only ship wine that was produced by the direct shipper in accordance with the direct shipper's federal basic wine manufacturing permit to a recipient for personal use and not for resale. A direct shipper may not ship wine products commonly known as "wine coolers." A direct shipper shall label each package to be shipped in accordance with this section so that it conspicuously reads "CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."

[PL 2009, c. 373, §1 (NEW).]

**5. Common carrier.** Shipments made in accordance with this chapter must be made by a common carrier and must be accompanied by a shipping label that clearly indicates the name of the direct shipper and the name and address of the recipient. The common carrier shall obtain the signature of a person 21 years of age or older at the address listed on the shipping label prior to delivery of the shipment. The common carrier shall request photographic identification from the person signing for the shipment and verify that the person is 21 years of age or older.

[PL 2009, c. 373, §1 (NEW).]



**6. Bottle size and case limit.** A direct shipper may not ship a container of wine of less than 750 milliliters and may ship no more than 12 cases, each of which may contain no more than 9 liters or an equivalent volume, to any one recipient address in a calendar year.

[PL 2009, c. 373, §1 (NEW).]

**7. Prohibited shipping areas.** A direct shipper may not ship to any address in an area identified by the bureau as a prohibited shipping area or a local option area.

[PL 2009, c. 373, §1 (NEW).]

**8. License renewal.** A direct shipper may annually renew its wine direct shipper license with the bureau by paying a \$50 renewal fee and providing the bureau with a true copy of its current winery license issued in this State or another state.

[PL 2021, c. 658, §243 (AMD).]

**9. Sales tax registration and payment required.** As a condition of receiving a license, a shipper located outside the State shall comply with the provisions of [Title 36, Part 3](#), including all requirements relating to registration as a seller and the collection, reporting and remittance of the sales and use taxes of the State, and shall agree to be subject to the jurisdiction of the State for purposes of the enforcement of those obligations. The requirements of this subsection apply notwithstanding any provision of law of the State to the contrary.

[PL 2021, c. 658, §244 (AMD).]

**10. Payment of excise taxes.** A direct shipper located outside the State shall annually pay to the bureau all excise taxes due on sales to residents of the State in the preceding year, the amount of such taxes to be calculated as if the sales were in the State.

[PL 2013, c. 368, Pt. XXXX, §5 (AMD); PL 2013, c. 368, Pt. XXXX, §13 (AFF).]

**11. Report.** A direct shipper shall submit a report to the bureau annually in a manner and form prescribed by the bureau that includes the total number of cases of wine shipped to recipients in the State and, for a direct shipper located in the State, shipments made outside the State, the name and residence address of shipment recipients in the State, the common carrier used to deliver the shipments and the date, quantity and purchase price of each shipment.

[PL 2013, c. 476, Pt. A, §31 (AMD).]

**12. Audit.** The bureau may perform an audit of a direct shipper's records relevant to compliance with this section. A direct shipper shall provide copies of any records requested by the bureau within 10 business days of that request.

[PL 2009, c. 373, §1 (NEW).]

**13. Violation.** A person, including a common carrier, who knowingly causes a direct shipment in violation of this section is subject to a fine up to \$500 for a first offense and up to \$1,000 for any subsequent violation of this section. A direct shipper or common carrier who knowingly delivers wine to a person under 21 years of age is subject to a fine up to \$5,000. The bureau may suspend or revoke a wine direct shipper license for failure to comply with the shipping limits and reporting requirements required by this section. The bureau may accept payment of an offer in compromise in lieu of suspension; such payments must be determined by rules adopted by the bureau.

[PL 2009, c. 373, §1 (NEW).]

**14. Jurisdiction.** A direct shipper, as a condition of licensure, is subject to the jurisdiction and enforcement authority of the State for the purposes of enforcement of this section.

[PL 2009, c. 373, §1 (NEW).]

**15. Not subject to beverage container law.** Notwithstanding [Title 38, chapter 33](#), wine shipped pursuant to this section does not require a refund value for beverage container control purposes.

[PL 2015, c. 166, §5 (AMD).]

**16. Rules.** The bureau shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in [Title 5, chapter 375, subchapter 2-A](#).

[PL 2009, c. 373, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 373, §1 (NEW). PL 2011, c. 629, §§29, 30 (AMD). PL 2013, c. 368, Pt. V, §46 (AMD). PL 2013, c. 368, Pt. XXXX, §5 (AMD). PL 2013, c. 368, Pt. XXXX, §13 (AFF). PL 2013, c. 476, Pt. A, §31 (AMD). PL 2015, c. 166, §5 (AMD). PL 2021, c. 658, §§242-244 (AMD).

## Direct to Consumer Shipping by State and License/Permit Required

State	Allowed?			Permit/License Requirement
	Wine	Spirits	Beer	
AL	Yes			Direct Wine Shippers License
AK	Yes	Yes	Yes	Manufacturer Direct Shipment License a licensed for winery, brewery, distiller;
AZ	Yes	Craft distillers, Yes		Direct Shipper License
AR	DTC not allowed; Wine: only shipping allowed requires purchaser be present in person at winery to place order, prove age			
CA	Yes	Temporary: COVID craft distillers allowed until Jan 1, 2024		Permit
CO	Yes			Winery Direct Shippers Permit
CT	Yes			Shipper's Permit
DE	DTC not allowed; an order can be shipped to wholesaler-to retailer-delivered by retail license holder			
DC	Yes	Yes	Yes	None required
FL	Yes			None required
GA	Yes			Special Order Shipping License
HI	Yes	Via an Individual permit to receive		Direct Wine Shipper Permit
ID	Yes			Wine Direct Shipper Permit
IL	Yes			Winery Shipper's License
IN	Yes			Direct Wine Seller's Permit
IA	Yes			Direct Shipper Permit
KS	Yes			Special Order Shipping License
KT	Yes	Yes	Yes	Direct Shipping License
LA	Yes			Shipping Permit
ME	Yes			Wine Direct Shipper License
MD	Yes	Temporary: COVID-spirits and beer allowed until July 1, 2023		Direct Wine Shipper's Permit
MA	Yes			Direct Wine Shipper License
MI	Yes			Direct Shipper's License
MN	Yes			None required
MS	DTC not allowed; out-of-state winery can ship to an in-state retailer for pick up by consumer			
MO	Yes			Direct Shipper License
MT	Yes		Connoisseur's license allows receipt from out-of-state brewery	Direct Shipment Endorsement (permission issued by the department to a winery)
NE	Yes	Yes	Yes	Shipping License
NV	Yes			Certificate of Compliance
NH	Yes	Yes	Yes	DTC Shipping Permit

State	Allowed?			Permit/License Requirement
	Wine	Spirits	Beer	
NJ	Yes			DTC Permit
NM	Yes			Direct Wine Shipment Permit
NY	Yes			Direct Shipper's License
NC	Yes			Wine Shipper Permit
ND	Yes	Yes	Yes	Direct Shipping License
OH	Yes		Yes	Permit
OK	Yes			Direct Wine Shipper's Permit
OR	Yes		Yes	Direct Shipper Permit
PA	Yes			Direct Wine Shipper License; Direct Malt or Brewed Beverage Shipper
RI	DTC not allowed			
SC	Yes			Out-Of-State Shipper's License
SD	Yes			Wine Direct Shipper License
TN	Yes			Winery Direct Shipper's License
TX	Yes			Out-of-state Winery Direct Shipper's Permit
UT	DTC not allowed			
VT	Yes	Yes	Yes	In-state Consumer Shipping License or Out-of-state Consumer Shipping License
VA	Yes		Yes	Wine and Beer Shipper's License
WA	Yes			Wine Shipper Permit
WV	Yes	Spirits or Beer: An order can be shipped to a distributor, then requires in-person pickup by the consumer		Direct Shipper's License.
WI	Yes			Direct Shipper's Permit
WY	Yes			Out-Of-State Shipper's License; In-state person with Winery Permit

## **Maine Direct to Consumer Stakeholder group participants**

1. Maine Beer and Wine Wholesalers
2. Distilled Spirits Council
3. Maine Winery Guild
4. Maine Distillers Guild
5. Rooper's
6. Maine Center for Disease Control
7. American Distilled Spirits Alliance
8. Hannaford
9. Maine Public Health
10. PretiFlaherty
11. Maine Department of Environmental Protection
12. Maine Energy Marketers
13. Wine Institute
14. Retail Association of Maine
15. Maine Grocers and Food Producers