



## Sub-Issues:

- IX.B. COVID-Related / Product Returns

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### IX.B. Product Returns

#### Arizona

Department may not enforce any restrictions on manufacturers or wholesalers or retailers buying back unopened product from restaurants, bars and clubs. Department guidance states "the Department will interpret the return of spirituous liquors necessitated solely by the impact of the spread of COVID-19 and resulting impacts on the liquor industry as a "bona fide return of merchandise for ordinary and commercial reasons."

[Arizona DLLC Guidance dated 3/13/20](#)

#### California

Notwithstanding any restrictions in sections 23104.1 (wine), 23104.2 (beer), and 23104.3 (distilled spirits), manufacturers and wholesalers may accept returns of alcoholic beverages from retailers. This is not intended to require manufacturers or wholesalers to accept returns. Manufacturers and wholesalers may establish their own parameters for accepting returns, except that they may not require retailers to purchase specific products or quantities of products in the future as a condition to the acceptance of a return of alcoholic beverages. This authorization does not allow manufacturers or wholesalers to provide any other things of value to retailers.

[CA ABC Regulatory Relief Notice](#)

#### Colorado

Return policy in place for cancelled events.

[Lawful Product Returns Bulletin](#)

#### Florida

Vendors may request the return of products for the limited purpose of allowing licensed vendors of alcoholic beverages to request the return of undamaged alcoholic beverages purchased for events cancelled in response to COVID-19. Distributors must make and keep records of all returns that comply with the record keeping requirements of section 561.55, Florida Statutes, and Rule 61A1.01028(2), Florida Administrative code, and also include:

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- a. the request from the licensed vendors;
- b. the date the request was made;
- c. the identity of the licensed vendor making the request, including the licensed vendor's business name and address;
- d. the license number of the licensed vendor making the request;
- e. the product returned; and
- f. whether the vendor received cash or credit.

[Executive Order 20-71](#)

## **Illinois**

Beer only return provision in place. Specifically states "Wine and spirits products are not subject to spoilage during the closure, so are not included."

[ILCC Product Return Guidance](#)

## **Indiana**

ATC directs individuals to refer to the TTB newsletter (<https://www.ttb.gov/ttb-newsletter>) regarding consignment sale guidance and information during the COVID-19 crisis

[IN ATC Wholesale Guidance](#)

## **Iowa**

On-premises retailers who have been impacted by this temporary shutdown are authorized by ABD and the federal Alcohol and Tobacco Tax and Trade Bureau (TTB) to return alcoholic liquor, wine, or beer in original, unopened containers to the appropriate wholesaler, provided: The original sale of the alcoholic beverages by the wholesaler to the retailer was made without the privilege of return as part of the sales agreement and the wholesaler consents to the return. Wholesalers are under no obligation to accept returns.

ABD will accept alcoholic liquor returned to class "E" liquor licensees by class "C" liquor licensees under the following conditions:

1) The alcoholic liquor is in its original, unopened container; 2) The alcoholic liquor was purchased from the class "E" liquor licensee on or after March 1, 2020, and 3) The class "E" or class "C" liquor licensee has a sales invoice showing the alcoholic liquor being returned to ABD was sold to the class "C" liquor licensee.

ABD will accept alcoholic liquor returns from class "E" liquor licensees who purchased the alcoholic liquor in anticipation of selling it to class "C" liquor licensees under the following conditions: 1) The alcoholic liquor is in its original, unopened container, and 2) The alcoholic liquor was purchased from ABD on or after March 1, 2020.

ABD is adhering to TTB's guidance on returns due to event cancellations related to COVID-19.

[IA ABD COVID Updates](#)

## **Kansas**

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If alcoholic liquor has been purchased for an event that is subsequently cancelled due to COVID-19 concerns, the return of such alcoholic liquor will be permitted without Director approval and will not be considered to be a violation of Federal law regarding consignment sales.

[KS DOR Memo: COVID-19 Concerns Regarding Distributor Practices](#)

## **Louisiana**

None at present

## **Massachusetts**

None at present

## **Minnesota**

From the DPS website: COVID-19 & Liquor Return Policy for Establishments. ?The evolving response to COVID-19 has created unusual circumstances in the liquor industry.

The cancelation of many events and required bar closings have created a commercial reason to allow wholesale distributors to pick up on-sale retail alcoholic beverage product, issue the on-sale accounts a credit, and resell the product to off-premise (off-sale) accounts, which are still allowed to operate their businesses.

Please consider this approval to cover all needed product returns from affected businesses until the restrictions placed upon them is removed.

[MN AGE Liquor Return Policy](#)

## **Missouri**

ATC is mirroring TTB's stance and will not consider returns due to licensed events being cancelled for COVID-19 concerns to be a violation. These temporary events would include caterers events, picnic license events, and festival events. This exception does not allow retail-by-the-drink or original package licensees to return their product that would be sold in the normal course of business.

[MO ATC COVID Circular](#)

## **Montana**

Adopts TTB guidance on cancelled events.

[MT DOR Return Guidance](#)

## **Nebraska**

NLCC will mirror TTB guidance dated 3/13/20 and will not consider returns of alcohol beverage products purchased to sell during such cancelled events to violate federal consignment sales rules provided the products were not initially purchased or sold with the privilege of return. Even though such returns are lawful, a producer or wholesaler is not required to accept returns of such products. An SDL is not a requirement for the allowance of the return. It may have been of change in normal operations for planning of a special event.

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## **New York**

Advisory allows for returns in specific situations due do COVID-19. Limited to product purchased between March 1 and 17, 2020.

[NY SLA Advisory 2020-1 \(Return of Product\)](#)

## **Ohio**

Can I return beer/wine to a distributor?

- As recommended by the Wholesale Beer and Wine Association, the Division has approved the pickup and future replacement of beer, wine and/or mixed beverages from a retailer, at the distributor's discretion. The product must be intact in its original packaging and purchased within the last 30 days for a major event (i.e. Opening Day, St. Patrick's Day, NCAA, etc). You must return the same amount of product you order. For example, if you pick up five kegs of beer, upon re-opening, the retailer must purchase five kegs of beer.
- This temporary alteration in the return policy is also subject to the federal Tax and Trade Bureau (TTB) restriction. It is our understanding the TTB views only products purchased for cancelled events due to the COVID-19 crisis to be exempt from the normal restrictions on consignment sales. TTB has stressed the voluntary nature of accepting these returns.
- Future guidance from the TTB may also be forthcoming on this matter.

[Ohio DLC Return Guidance](#)

## **Oklahoma**

Beer only return provision in place.

[OK ABLE Commission Return Guidance](#)

## **Texas**

TABC guidance allows for wholesalers to accept returns from retailers adversely affected by a major event cancelation due to the Coronavirus/COVID-19. Policy valid for the duration of Governor's disaster proclamation.

[Texas ABC Repurchase Guidance](#)

## **Vermont**

Beer and Wine – Wholesale distributors can agree to take back unopened, clean product for account credit. Returns are at the discretion of the wholesale distribution. Additoinal provisions in place for retailers looking to return spirits to the VT Liquor Agency.

[VT DLC Return Policy](#)

## Virginia

The Authority acting under the abilities granted within Executive Order 51 has granted a one time exception to allow a deviation from the regulation in which wholesalers may pick up wine and beer products from licensees in which their immediate operations have been affected by the Novel Coronavirus (COVID-19). Also, a refund of money associated with that specific pick-up may be given to that licensee by such wholesaler. Any such pick up and refund shall be documented by the wholesaler on the proper invoice. (Ex: Wholesaler pickup of 100 cases of ABC Beer from retailer due to COVID-19 cancellation of XYZ concert, \$200 refunded CK#9999 to retailer.)

[VA ABC COVID Response 1: Return of Product](#)

## Washington

Beer only return provision in place. Specifically states "Wine and spirits products are not subject to spoilage during the closure, so are not included."

[WA LCB Product Return Guidance](#)