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Sub-Issues:

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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](#)

Connecticut

Florida

Vendors may request the return of products for the limited purpose of allowing licensed vendors of alcoholic

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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 61Al.01028(2), Florida Administrative code, and also include:

- 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.

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Kansas

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

Michigan

Wholesalers may pick-up beer or wine from retailers pursuant to MCL 436.1609c after the expiration of Executive Order 2020-42 or any subsequent Executive Order that extends EO 2020-42.

[LARA Guidance Page 5 of 6](#)

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

Waiver dated 4/28/20 states that returns of intoxicating liquor with greater than 5% ABW may be returned in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product. The wholesaler may, but is not required to withdraw the product. The waiver expires June 15, 2020.

[MO ATC Emergency Waiver- Alcohol Returns \(Dated 4/28/20\)](#)

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.

[NLCC Wholesale Operations Advisory](#)

New Jersey

State has authorized wholesalers to accept returns of product only from on-premises retail consumption licensees would reduce their economic hardship by enabling them to mitigate losses, would not unduly burden any affected parties, and is in furtherance of the Division's mandate to maintain stability in the alcoholic beverage marketplace. As such, the Division will relax N.J.A.C. 13:2-39.1 and will authorize New Jersey wholesalers, manufacturers, and distribution licensees to accept returns of alcoholic beverages purchased and/or delivered between February 23 and March 16, 2020 for credit. This relaxation applies only to products in unopened and sealed cases in the manufacturer's original configuration. The authorization provided is permissive.

[NJ DABC Special Ruling 2020-02](#)

New York

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

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

Ohio

The Division has approved the pick-up and future replacement of beer, wine, or mixed beverages from a retail permit holder, at the Distributor's discretion. The product must be in its original sealed packaging and must have been purchased after February 15 for a specific event (i.e. Opening Day, St. Patrick's Day, NCAA, etc). You must reorder the same amount of product that you returned. For example, if you return 5 kegs of beer to a distributor, upon re-opening, you must buy 5 kegs of beer from that same distributor.

- This temporary alteration in the return policy is also subject to the federal Tax and Trade Bureau (TTB) restriction. It is our understanding that TTB views only products purchased for events cancelled 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 TTB may also be forthcoming on this matter

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[Ohio DLC Return Guidance](#)

Oklahoma

Beer only return provision in place.

[OK ABLE Commission Return Guidance](#)

Oregon

OLCC guidance allows for the return of unused, unopened malt beverages, wine, cider and distilled liquor purchased for events that are canceled or will pass their sell-by date on or before April 17 due to Novel Coronavirus (COVID-19).

[OLCC News Release Dated 3/17/20](#)

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. Additional 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](#)

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