

118TH CONGRESS
2D SESSION

S. 5069

To amend title 18, United States Code, and title 39, United States Code, to provide the United States Postal Service the authority to mail alcoholic beverages, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2024

Mr. MERKLEY (for himself, Mrs. GILLIBRAND, Mr. WELCH, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 18, United States Code, and title 39, United States Code, to provide the United States Postal Service the authority to mail alcoholic beverages, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Postal
5 Service Shipping Equity Act”.

6 **SEC. 2. SHIPPING OF ALCOHOLIC BEVERAGES.**

7 (a) MAILABILITY.—

1 (1) NONMAILABLE ARTICLES.—Section 1716(f)
2 of title 18, United States Code, is amended by strik-
3 ing “mails” and inserting “mails, except to the ex-
4 tent that the mailing is allowable under section
5 3001(p) of title 39”.

6 (2) ALCOHOLIC BEVERAGES.—Section 1154(a)
7 of title 18, United States Code, is amended, by in-
8 serting “or, with respect to the mailing of alcoholic
9 beverages to the extent allowed under section
10 3001(p) of title 39” after “mechanical purposes”.

11 (b) REGULATIONS.—Section 3001 of title 39, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “(p)(1) Alcoholic beverages shall be considered mail-
15 able if mailed—

16 “(A) by a covered entity in accordance with ap-
17 plicable regulations under paragraph (2); and

18 “(B) in accordance with the delivery require-
19 ments otherwise applicable to a privately carried
20 shipment of an alcoholic beverage in the State, terri-
21 tory, or district of the United States where the ad-
22 dressee or duly authorized agent takes delivery.

23 “(2) The Postal Service shall prescribe such regula-
24 tions as may be necessary to carry out this subsection,
25 including regulations providing that—

1 “(A) the mailing shall be by a means estab-
2 lished by the Postal Service to ensure direct delivery
3 to the addressee or a duly authorized agent at a
4 postal facility;

5 “(B) the addressee (and any duly authorized
6 agent) shall be an individual at least 21 years of
7 age, and shall present a valid, Government-issued
8 photo identification at the time of delivery;

9 “(C) the alcoholic beverage may not be for re-
10 sale or other commercial purpose; and

11 “(D) the covered entity involved shall—

12 “(i) certify in writing to the satisfaction of
13 the Postal Service, through a registration proc-
14 ess administered by the Postal Service, that the
15 mailing is not in violation of any provision of
16 this subsection or regulation prescribed under
17 this subsection; and

18 “(ii) provide any other information or af-
19 firmation that the Postal Service may require,
20 including with respect to the prepayment of
21 State alcohol beverage taxes.

22 “(3) For purposes of this subsection—

23 “(A) the term ‘alcoholic beverage’ has the
24 meaning given such term in section 203 of the Fed-

1 eral Alcohol Administration Act (27 U.S.C. 214);
 2 and

3 “(B) the term ‘covered entity’ means an entity
 4 (including a winery, brewery, or beverage distilled
 5 spirits plant, or other wholesaler, distributor, im-
 6 porter, or retailer of alcoholic beverages) that has
 7 registered with, obtained a permit from, or obtained
 8 approval of a notice or an application from, the Sec-
 9 retary of the Treasury pursuant to—

10 “(i) the Federal Alcohol Administration
 11 Act (27 U.S.C. 201 et seq.); or

12 “(ii) Chapter 51 of the Internal Revenue
 13 Code of 1986 (26 U.S.C. 5001 et seq.).”.

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall take effect on the earlier of—

16 (1) the date on which the United States Postal
 17 Service issues regulations under section 3001(p) of
 18 title 39, United States Code, as added by subsection
 19 (b); or

20 (2) the date that is 2 years after the date of en-
 21 actment of this Act.

22 (d) NO PREEMPTION OF STATE, LOCAL, OR TRIBAL
 23 LAWS PROHIBITING DELIVERIES, SHIPMENTS, OR
 24 SALES.—Nothing in this section, the amendments made
 25 by this section, or any regulation promulgated under this

1 section or the amendments made by this section, shall be
2 construed to preempt, supersede, or otherwise limit or re-
3 strict any State, local, or Tribal law that prohibits or regu-
4 lates the delivery, shipment, or sale of alcoholic beverages.

5 (e) LIABILITY OF THE UNITED STATES POSTAL
6 SERVICE.—Any district court of the United States shall
7 have jurisdiction to render judgment upon any claim
8 brought by a State, local, or Tribal government against
9 the United States Postal Service of a violation of State,
10 local, or Tribal law relating to the sale, mailing, transpor-
11 tation, or importation of alcoholic beverages into any
12 State, territory, or district of the United States. The
13 United States Postal Service shall be liable in the same
14 manner and to the same extent as a private individual
15 under like circumstances, but shall not be liable for inter-
16 est prior to judgment or for punitive damages.

○