



NATIONAL CONFERENCE OF STATE LEGISLATURES

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State Statutes regarding Shipment and Delivery of Alcohol from Retailers to Consumers
Excludes sale and delivery of takeout or curbside drinks.
December 1, 2020

| State: | Statutory Citation: | Statutory Provision: |
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| Arizona | Ariz. Rev. Stat. Ann. §4-203 | J. Notwithstanding subsection B of this section, the holder of a retail license in this state having off-sale privileges may take orders by telephone, mail, fax, catalog, through the internet or by other means for the sale and delivery of spirituous liquor off of the licensed premises to a person in this state in connection with the sale of spirituous liquor. Notwithstanding the definition of "sell" in §4-101, the placement of an order and payment pursuant to this section is not a sale until delivery has been made. At the time that the order is placed, the licensee shall inform the purchaser that state law requires a purchaser of spirituous liquor to be at least 21 years of age and that the person accepting delivery of the spirituous liquor is required to comply with this state's age identification requirements as prescribed in §4-241, subsections A and K. The licensee may maintain a delivery service and may contract with one or more independent contractors, that may also contract with one or more independent contractors, or may contract with a common carrier for delivery of spirituous liquor if the spirituous liquor is loaded for delivery at the premises of the retail licensee in this state and delivered in this state. All containers of spirituous liquor |

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| | | <p>delivered pursuant to this subsection shall be conspicuously labeled with the words "contains alcohol, signature of person who is 21 years of age or older is required for delivery." The licensee is responsible for any violation of this title or any rule adopted pursuant to this title that is committed in connection with any sale or delivery of spirituous liquor. Delivery must be made by an employee of the licensee or other authorized person as provided by this section who is at least 21 years of age to a customer who is at least 21 years of age and who displays an identification at the time of delivery that complies with §4-241, subsection K. The retail licensee shall collect payment for the full price of the spirituous liquor from the purchaser before the product leaves the licensed premises. The director shall adopt rules that set operational limits for the delivery of spirituous liquors by the holder of a retail license having off-sale privileges. With respect to the delivery of spirituous liquor, for any violation of this title or any rule adopted pursuant to this title that is based on the act or omission of a licensee's employee or other authorized person, the mitigation provisions of §4-210, subsection G apply, with the exception of the training requirement. For the purposes of this subsection and notwithstanding the definition of "sell" prescribed in §4-101, §4-241, subsections A and K apply only at the time of delivery. For the purposes of compliance with this subsection, an independent contractor, a subcontractor of an independent contractor, the employee of an independent contractor or the employee of a subcontractor is deemed to be acting on behalf of the licensee when making a delivery of spirituous liquor for the licensee.</p> |
| California | Cal. Business & Professions Code §23393.5 | <p>(a) The department may issue a limited off-sale retail wine license which authorizes the sale of wine by the licensee if all of the following conditions are met: (1) Sales are restricted to those solicited and accepted via direct mail, telephone, or the internet. (2) Sales are not conducted from a retail premises open to the public. (3) The licensee takes possession of and title to all wine sold by the licensee. (4) All wine sold by the licensee is delivered to the purchaser from the licensee's licensed premises or from a licensed public warehouse.</p> |

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| | | <p>(b) The sale of wine shall only be to consumers and not for resale, in packages or quantities of 52 gallons or less per sale, for consumption off the premises where sold.</p> <p>(c) The licensee shall comply with §23985, but is exempted from §§23985.5 and 23986.</p> <p>(d) The department may impose reasonable conditions upon the licensee as may be needed in the interest of public health, safety, and welfare.</p> |
| | Cal. Business & Professions Code §23661.2 | <p>Notwithstanding any other law, an individual or retail licensee in a state that affords California retail licensees or individuals an equal reciprocal shipping privilege, may ship, for personal use and not for resale, no more than 2 cases of wine (no more than 9 liters each case) per month to any adult resident in this state. Delivery of a shipment pursuant to this subdivision shall not be deemed to constitute a sale in this state.</p> <p>The shipping container of any wine sent into or out of this state under this section shall be clearly labeled to indicate that the container cannot be delivered to a minor or an intoxicated person.</p> |
| Colorado | Colo. Rev. Stat. §44-3-409 | <p>(3) (a) A person licensed to sell at retail who complies with this subsection (3) and rules promulgated pursuant to this subsection (3) may deliver malt, vinous, and spirituous liquors to a person of legal age if: (I) The person receiving the delivery of malt, vinous, or spirituous liquors is located at a place that is not licensed pursuant to this section; (II) The delivery is made by an employee of the licensed retail liquor store who is at least 21 years of age and who is using a vehicle owned or leased by the licensee to make the delivery; (III) The person making the delivery verifies, in accordance with §44-3-901 (11), that the person receiving the delivery of malt, vinous, or spirituous liquors is at least 21 years of age; and (IV) The retail liquor store derives no more than 50% of its gross annual revenues from total sales of malt, vinous, and spirituous liquors from the sale of malt, vinous, and spirituous liquors that the retail liquor store delivers. (b) The state licensing authority shall promulgate rules as necessary for the proper delivery of malt, vinous, and spirituous liquors and is authorized to issue a permit to any person who is</p> |

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| | | licensed under this section to sell at retail and delivers the liquors pursuant to this subsection (3). A permit issued under this subsection (3) is subject to the same suspension and revocation provisions as are set forth in §44-3-601 for other licenses granted pursuant to this article 3. |
| | Colo. Rev. Stat. §44-3-410 | (3) (a) A liquor-licensed drugstore licensee who complies with this subsection (3) and rules promulgated pursuant to this subsection (3) may deliver malt, vinous, and spirituous liquors to a person of legal age if: (I) The person receiving the delivery of malt, vinous, or spirituous liquors is located at a place that is not licensed pursuant to this section; (II) The delivery is made by an employee of the liquor-licensed drugstore who is at least 21 years of age and who is using a vehicle owned or leased by the licensee to make the delivery; (III) The person making the delivery verifies, in accordance with §44-3-901 (11), that the person receiving the delivery of malt, vinous, or spirituous liquors is at least 21 years of age; and (IV) The liquor-licensed drugstore derives no more than 50% of its gross annual revenues from total sales of malt, vinous, and spirituous liquors from the sale of malt, vinous, and spirituous liquors that the liquor-licensed drugstore delivers. (b) The state licensing authority shall promulgate rules as necessary for the proper delivery of malt, vinous, and spirituous liquors and is authorized to issue a permit to any liquor-licensed drugstore licensee that will allow the licensee to deliver the liquors pursuant to the rules and this subsection (3). A permit issued under this subsection (3) is subject to the same suspension and revocation provisions as are set forth in §§44-3-306 and 44-3-601 for other licenses granted pursuant to this article 3. |
| Connecticut | Conn. Gen. Stat. §30-37p | (a) A gift basket retailer permit shall allow the retail sale of wine or beer. Such wine or beer shall be included in a gift basket sold at retail by the permit holder. Such wine or beer shall not be consumed on the premises. The holder of a gift basket retailer permit shall be located in this state and such wine or beer shall only be purchased by such permit holder from the holder of a package store permit issued pursuant to §30-20, the holder of a manufacturer permit for a farm winery issued pursuant to subsection (c) of §30-16, the |

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| | | <p>holder of a manufacturer permit for wine, cider and mead issued pursuant to subsection (d) of §30-16, or the holder of a manufacturer permit for beer issued pursuant to subsection (b) of §30-16.</p> <p>(b) The holder of a gift basket retailer permit may sell gift baskets which may include (1) a maximum of four bottles of wine per basket or a maximum of 72 ounces of beer per basket, (2) food items, (3) nonalcoholic beverages, (4) concentrates used in the preparation of mixed alcoholic beverages, (5) wine-making kits and beer-making kits and products related to such kits, (6) ice in any form, (7) articles of clothing imprinted with advertising related to the alcoholic liquor industry or the permittee's gift basket business, (8) flowers, plants and garden-related items, (9) drinking glasses, bottle opening devices and literature related to wine or beer, or (10) gift certificates. The sale of such gift baskets shall only take place during the times permitted for the sale of alcoholic liquor in places operating under package store permits pursuant to §30-91. The holder of a gift basket retailer permit shall not sell such gift baskets on premises operating under any other permit issued pursuant to this title. Nothing in this section shall prohibit the holder of a package store permit issued pursuant to §30-20 from selling any item permitted for sale by such permittee pursuant to said section.</p> <p>(c) The annual fee for a gift basket retailer permit shall be \$200.</p> |
| | Conn. Gen. Stat. §30-37q | <p>(a) A gift basket retailer permit issued in accordance with §30-37p shall allow the sale and delivery or shipment of gift baskets containing wine or beer directly to a consumer in this state, subject to the provisions of §30-37p and this section, or, for wine only, to a consumer outside of this state, subject to all applicable laws of the jurisdiction in which such consumer outside of this state is located. Such permittee, when selling and shipping gift baskets containing wine or beer directly to a consumer in this state, shall: (1) Ensure that the shipping labels on all gift baskets containing wine or beer shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the signature of a person age 21 or older at the address prior to delivery, after</p> |

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| | | <p>requiring the signer to demonstrate that he or she is age 21 or older by providing a valid motor vehicle operator's license or a valid identity card described in §1-1h; (3) obtain a seller's permit pursuant to chapter 219 and pay to the Department of Revenue Services all sales taxes as required under said chapter 219 on sales of gift baskets; (4) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (5) permit the Department of Consumer Protection and the Department of Revenue Services, separately or jointly, to perform an audit of the permittee's records upon request; and (6) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to §30-9.</p> <p>(b) A holder of a gift basket retailer permit, when advertising or offering wine or beer for direct shipment to a consumer in this or another state via the Internet or any other on-line computer network, shall clearly and conspicuously state its gift basket retailer permit number in its advertising.</p> <p>(c) The Department of Consumer Protection, in consultation with the Department of Revenue Services, may adopt regulations, in accordance with the provisions of chapter 54, to assure compliance with the provisions of subsection (a) of this section.</p> |
| District of Columbia | D.C. Code Ann. §25-112 | <p>(a) An off-premises retailer's license shall authorize the licensee to sell alcoholic beverages from the place described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, including the sale of growlers by the holder of an off-premise retailer licensee, Class A or B notwithstanding any other provision or restrictions of this title.</p> <p>(d) (1) There shall be 4 classes of off-premises retailer's licenses: (A) A retailer's license, class A, shall authorize a licensee to sell spirits, beer, and wine. (B) A retailer's license, class B, shall authorize a licensee to sell beer and wine. (C) A retailer's license, class AI, shall</p> |

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| | | <p>authorize a licensee that only operates as an internet retailer and does not have a physical location open to the public to sell spirits, beer, and wine. (D) A retailer's license, class BI, shall authorize a licensee that only operates as an internet retailer and does not have a physical location open to the public to sell beer and wine.</p> <p>(2) At the next class A retailer's license renewal, the Board shall convert an existing internet off-premises retailer that does not have a physical location open to the public to one of the 2 new internet retailer license categories, as described in paragraph 1(C) and (D) of this subsection.</p> |
| | <p>D.C. Code Ann. §25-772</p> | <p>(a) Only a licensee under a manufacturer's, wholesaler's, or common carrier's license, or retailer's license under a validly issued import permit shall transport, import, bring, or ship or cause to be transported, imported, brought, or shipped into the District from outside the District any wines, spirits, or beer in a quantity in excess of one case at any one time.</p> <p>(b) No public or common carrier shall transport or bring into the District wine, spirits, or beer in a quantity in excess of 1 case per location in any one calendar month for delivery to any 1 person in the District other than the licensee under a manufacturer's, wholesaler's, or retailer's license.</p> <p>(c) This section shall not apply to persons possessing old stocks who are moving into the District, to embassies or diplomatic representatives of foreign countries, to wines imported for religious or sacramental purposes, to wine, spirits, and beer to be delivered to the licensee under a manufacturer's, wholesaler's, or retailer's license, or to any persons wishing to have liquor chocolates delivered to their residence. The term "liquor chocolates" may include other types of candies that have small amounts of liquor contained in the candy.</p> <p>(d) The penalty for violation of this section shall consist of (1) the forfeiture of the beverages transported, imported, brought, or shipped, or caused to be transported, imported, brought, or shipped in violation of this section, and (2) a fine of not more than the amount set forth in [§22-3571.01] or imprisonment for not more than 6 months.</p> |

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| | | (e) In addition to other penalties provided in this section, any person who violates the provisions of this section shall be liable for any tax, penalties, and interest provided for in this title. |
| Florida | Fla. Stat. §561.57 | <p>(1) Vendors shall be permitted to make deliveries away from their places of business of sales actually made at the licensed place of business; provided, telephone, electronic, or mail orders received at a vendor's licensed place of business shall be construed as a sale actually made at the vendor's licensed place of business. Deliveries made by a vendor away from his or her place of business may be made in vehicles that are owned or leased by the vendor or in a third party vehicle pursuant to a contract with a third party with whom the vendor has contracted to make deliveries, including, but not limited to, common carriers. By acceptance of an alcoholic beverage license, the vendor agrees that vehicles that are owned or leased by the vendor shall always be subject to inspection and search without a search warrant for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages. A manufacturer possessing a vendor's license under §561.221(2) is not permitted to make deliveries under this subsection.</p> <p>(2) Deliveries made by a manufacturer or distributor away from his or her place of business may be made only in vehicles that are owned or leased by the licensee. By acceptance of an alcoholic beverage license and the use of such vehicles, the licensee agrees that such vehicle shall always be subject to be inspected and searched without a search warrant, for the purpose of ascertaining that all provisions of the alcoholic beverage laws are complied with, by authorized employees of the division and also by sheriffs, deputy sheriffs, and police officers during business hours or other times the vehicle is being used to transport or deliver alcoholic beverages.</p> <p>(3) A licensed vendor may transport alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage, if the vehicle used to transport</p> |

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| | | <p>the alcoholic beverages is owned or leased by the vendor or any person who has been disclosed on a license application filed by the vendor and approved by the division. A vehicle owned or leased by a person disclosed on a license application filed by the vendor and approved by the division under this subsection must be operated by such person when transporting alcoholic beverage purchases from a distributor's place of business to the vendor's licensed premises or off-premises storage.</p> <p>(4) Nothing contained in this section shall prohibit deliveries by the licensee from his or her permitted storage area or deliveries by a distributor from the manufacturer to his or her licensed premises; nor shall a pool buying agent be prohibited from transporting pool purchases to the licensed premises of his or her members with the licensee's owned or leased vehicles. In addition, a licensed salesperson of wine and spirits is authorized to deliver alcoholic beverages in his or her vehicle on behalf of the distributor.</p> <p>(5) Common carriers may transport alcoholic beverages.</p> <p>(6) Valid proof of the recipient's identity and age shall be verified and documented at the time of delivery. All deliveries made pursuant to this section, either by a licensee or third party, must comply with §562.11.</p> |
| Georgia | 2020 Act 558 Ga Code §3-3-10 | <p>(a) For purposes of this Code section, the term: (1) 'Air carrier' means a person that undertakes by any means, directly or indirectly, to provide air transportation. (2) 'Carrier' means any person, including without limitation any motor carrier, freight forwarder, or air carrier, whose business is to transport goods or people while acting in the capacity as common, private, or contract transporter of a product or service using its facilities or those of other carriers. (3) 'Electronic means' means internet enabled technology and digital media, including, but not limited to, websites and consumer applications accessible through computers, smartphones, or other electronic devices. (4) 'Employee' means an individual who is: (A) A full-time or part-time employee of a packaged goods retailer; and (B) Authorized to act as an agent of such packaged goods retailer. (5) 'Freight forwarder' means a person holding itself out to the general public to provide transportation of</p> |

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| | | <p>property for compensation and in the ordinary course of its business: (A) Assembles and consolidates, or provides for the assembly and consolidation of, shipments and performs or provides for break bulk and distribution operations of the shipments; (B) Assumes responsibility for such transportation from the place of receipt to the place of destination; and (C) Uses for any part of such transportation another freight forwarder, an air carrier, a motor carrier, or any other carrier. (6) 'Motor carrier' means a person that provides motor vehicle transportation for compensation. (7) 'Packaged goods retailer' means a person licensed under this title as a retailer to sell alcoholic beverages in unbroken packages for consumption off the premises that is not: (A) A manufacturer or any other person licensed to manufacture alcoholic beverages; (B) A carrier; (C) A shipper; or (D) A person that takes delivery of alcoholic beverages directly from a: (i) Retailer; or (ii) Manufacturer or any other person licensed to manufacture alcoholic beverages. (8) 'Proper identification' shall have the same meaning as provided in Code §3-3-23. (9) 'Third party' means: (A) Any person that: (i) Is registered to do business in this state; (ii) Has a contractual relationship with a packaged goods retailer; (iii) Is authorized to act as an agent of such packaged goods retailer; and (iv) Is not a manufacturer, any other person licensed to manufacture alcoholic beverages, or an affiliate of such manufacturer or such other person; or (B) Any full-time or part-time employee or independent contractor of any person that: (i) Is registered to do business in this state; (ii) Has a contractual relationship with such third party as defined in subparagraph (A) of this paragraph; (iii) Is authorized to act as an agent of such third party as defined in subparagraph (A) of this paragraph; and (iv) Is not a manufacturer, any other person licensed to manufacture alcoholic beverages, or an affiliate of such manufacturer or such other person.</p> <p>(b) Notwithstanding any other provision of law, and except where prohibited by local ordinance or resolution, a packaged goods retailer may deliver malt beverages and wine in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale to an address designated by such individual,</p> |
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| | | <p>subject to the following terms and conditions: (1) The individual making the purchase shall, prior to ordering and purchasing malt beverages and wine for delivery, establish an account maintained by the packaged goods retailer that shall be available for inspection by the department; (2) The packaged goods retailer or employee shall process all payments made by the individual who is transacting the purchase with the packaged goods retailer prior to the malt beverages and wine leaving such packaged goods retailer's licensed premises for delivery; (3) The packaged goods retailer, employee, or third party shall assemble, package, and fulfill each order at the licensed premises of the packaged goods retailer from inventory located at such licensed premises and shall not pull from the inventory of any other person, including another retailer or licensed premises; (4) All malt beverages and wine that leave the licensed premises of the packaged goods retailer for delivery shall: (A) Remain in the possession of the individual, either the packaged goods retailer, the employee, or the third party, that removed it from the licensed premises for delivery and shall not be transferred to any other person until the time of delivery in compliance with the requirements of this subsection or until the time of the return to the packaged goods retailer if delivery is not made; (B) Only be transported in a vehicle or other transportation device containing products or goods traveling in intrastate commerce for delivery in the local licensing jurisdiction of the licensed premises of such packaged goods retailer; and (C) Not be carried, commingled, or stored with, or transported in any vehicle or other transportation device containing, products or goods traveling in interstate commerce for delivery; (5) Delivery shall be made by the packaged goods retailer, employee, or third party who: (A) Is at least 21 years of age; (B) Has a valid Georgia driver's license; (C) Has undergone within the last 12 months a background check that includes a local and national criminal history and driving records and: (i) Has not had more than three moving violations in the prior three-year period; (ii) Has not had a major traffic violation, as such term is defined in Code §40-5-142, in the prior three-year period; (iii) Has not been convicted within the past seven years of driving under the</p> |
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| | | <p>influence of drugs or alcohol; (iv) Has not been convicted at any time of fraud, a sexual offense, the use of a motor vehicle to commit a felony, a crime involving property damage, a crime involving theft, a crime involving an act of violence, or a crime involving an act of terror; and (v) Does not have a match on the National Sex Offender Registry data base; (D) Has undergone training approved by the department on sales and delivery of malt beverages and wine in this state; (E) Shall not possess or handle as part of or during the delivery forms of compensation that are used to purchase or transact the sale of malt beverages and wine; (F) Does not receive compensation based upon whether an attempted delivery results in a completed transaction; and (G) At all times during which the malt beverages and wine to be delivered are in the vehicle, transportation device, possession, or care of such packaged goods retailer, employee, or third party, shall not also have in his or her vehicle, transportation device, possession, or care any products or goods traveling in interstate commerce; (6) Delivery shall be made by the packaged goods retailer, employee, or third party to an individual who is at least 21 years of age and presents proper identification verifying the age of such individual; (7) At the time of delivery, the packaged goods retailer, employee, or third party shall verify the identity and age of the individual accepting delivery by validating the proper identification of the individual accepting delivery in person and obtaining his or her signature on a written or electronic acknowledgment of receipt of the order and certification of legal age to purchase malt beverages and wine. The packaged goods retailer, employee, or third party shall scan or otherwise verify the proper identification of the individual accepting delivery at the time of delivery and shall retain a record of such individual's name and date of birth that shall be available for inspection upon request for a minimum of 3 years; (8) The packaged goods retailer, employee, or third party conducting the delivery shall refuse to make the delivery if: (A) No individual is visibly present and available at the address to accept delivery; or (B) The individual visibly present and available attempting to accept the delivery: (i) Is less than 21 years of age; (ii) Fails to produce proper identification verifying his or her age; (iii)</p> |
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| | | <p>Fails to provide a signature that matches such proper identification; or (iv) Is noticeably intoxicated; (9) All deliveries shall be inspected at the time of delivery by the individual accepting such delivery. The transaction shall be deemed complete upon acceptance of delivery of the malt beverages and wine, and all sales shall be final; (10) The delivery address shall be located within the local licensing jurisdiction of the packaged goods retailer; (11) The delivery shall take place only during the lawful times when malt beverages and wine can be sold by the packaged goods retailer for consumption off the premises; (12) The delivery shall be made only within the same calendar day on which the malt beverages and wine leave the licensed premises of the packaged goods retailer for delivery; and (13) No delivery shall knowingly be made to any address or to any property that is part of: (A) Any public or private elementary or secondary educational school, including without limitation any dormitory, housing, or common space located on the campus of any elementary or secondary educational school; (B) Any prison, reformatory, and other correctional facilities; (C) Any addiction or substance abuse facilities; (D) Any locker, mailbox, package shipping location, or similar service or storage facility business; or (E) Any retailer.</p> <p>(c) A packaged goods retailer may use electronic means to market, receive, and process orders for malt beverages and wine it is licensed to sell placed by individuals who are at least 21 years of age, provided that any such orders shall be delivered in accordance with subsection (b) of this Code section.</p> <p>(d) A packaged goods retailer may market, receive, and process orders for malt beverages and wine it is licensed to sell placed by individuals who are at least 21 years of age using electronic means owned, operated, or maintained by a third party, provided that any such orders shall be delivered in accordance with subsection (b) of this Code section and: (1) The packaged goods retailer maintains control and responsibility over the sales transaction and the transfer of the physical possession of the malt beverages and wine from the inventory of such packaged goods retailer to the individual conducting the delivery in accordance with subsection (b) of this</p> |
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| | | <p>Code section; (2) The packaged goods retailer shall retain sole discretion to determine whether to accept and complete an order or to reject an order; (3) The purchase transaction takes place between the individual placing the order and the packaged goods retailer and the packaged goods retailer appears as the merchant of record at all times, including at the time of purchase and at the time of receipt of the delivery; (4) Any credit or debit card information provided by the individual placing the order to a third party for the purpose of transacting the purchase with the packaged goods retailer is automatically directed to the packaged goods retailer; (5) The packaged goods retailer that accepts the order receives the payment that is made by the individual who is transacting the purchase with such packaged goods retailer; and (6) The delivery of malt beverages and wine to the individual who placed the order is made by the packaged goods retailer, employee, or third party in compliance with the requirements of subsection (b) of this Code section.</p> <p>(d.1) Notwithstanding any other provision of law, and except where prohibited by local ordinance or resolution, a licensed retail package liquor store that is also a packaged goods retailer may deliver distilled spirits in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale in the same manner and under the same terms and conditions as provided in this Code section for the delivery of malt beverages and wine.</p> <p>(e) The department shall develop a curriculum for or list of required elements of the sales and delivery training required under subparagraph (b)(4)(D) of this Code section and shall determine the providers approved to conduct such training. A packaged goods retailer or third party may submit to the department a proposed program for such required training, upon receipt of which the department shall have 15 days to approve, deny, or indicate what modifications are necessary to such program.</p> <p>(f) Persons appointed by the commissioner as special agents or enforcement officers of the department shall, in addition to the powers and duties provided for in Code §3-2-30, have the power to inspect, without a warrant, in a lawful manner any premises of the</p> |
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| | | <p>packaged goods retailer or any vehicle or other transportation device being used by the packaged goods retailer, employee, or third party to make a delivery under this Code section for the purpose of: (1) Determining if any of the provisions of this Code section or any rule or regulation promulgated under its authority is being violated; or (2) Securing evidence as may be needed for an administrative proceedings action, as provided in this Code section or any other provisions of this title.</p> <p>(g) The commissioner shall be authorized to promulgate and enforce such rules and regulations as it may deem necessary to carry out or make effective the provisions of this Code section, including, but not limited to, rules and regulations governing the training of individuals making deliveries.</p> <p>(h)(1) In addition to the commissioner's power to suspend, revoke, or cancel licenses, permits, or registrations issued pursuant to this title, upon a violation of any provision of this Code section or any rule or regulation promulgated thereunder, the commissioner shall have the power to impose a fine not to exceed \$500 for each violation and may suspend for up to 30 days for each violation the authorization provided by this Code section for the packaged goods retailer to deliver malt beverages and wine or to use an employee or third party to deliver malt beverages and wine. Any violation committed by an employee or a third party shall be attributed to and deemed to be an act taken by a packaged goods retailer for purposes of this Code section. A packaged goods retailer, employee, and third party may each be fined for the same violation. Nothing in this paragraph shall be construed to allow the commissioner to suspend or terminate the authorization of a packaged goods retailer to sell malt beverages and wine on the licensed premises as a result of a violation of this Code section by a third party. (2) Any local governing authority of a municipality or county that issues a license to a packaged goods retailer and allows for delivery of malt beverages and wine by a packaged goods retailer, an employee, or a third party may impose penalties upon a packaged goods retailer, employee, or third party, and may fine more than one person for the same violation, provided that such penalties do not exceed the</p> |
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| | | <p>amount of the fine or the number of delivery suspension days provided for in this paragraph. Nothing in this paragraph shall be construed to allow any local governing authority of a municipality or county to suspend or terminate the authorization of a packaged goods retailer to sell malt beverages and wine on the licensed premises as a result of a violation of this Code section. (3) The penalties provided for in this Code section shall be in addition to any criminal penalties that may otherwise be provided by law.</p> |
| Hawaii | Hawaii Rev. Stat. §281-33.1 Liquor; requires individual permit for single shipment | <p>(a) Notwithstanding any other provisions of law, any unlicensed adult person may apply to the liquor commission and be issued, for a nominal fee, except as hereinafter provided, a permit to receive a single shipment of liquor from outside the state, not to exceed 5 gallons, (19 liters), for use and consumption by the applicant and the applicant's household and not for sale in any form.</p> <p>(b) In the case of a shipment that the applicant shows is an unsolicited gift, the quantities permitted to be received under subsection (a) shall be limited to 3.2 gallons (12 liters) in total of all kinds of liquor.</p> <p>(c) In the case of a shipment in respect of which the applicant shows to the liquor commission that the liquor was prior to the date of the application the personal property of the applicant, formed a part of the applicant's household goods, was used and stored outside the state, and was originally acquired (or made by the applicant) outside the state, the quantity of wine, or other liquor capable of aging and originating from grapes or other fruit, which shall be permitted to be received under subsection (a) may exceed the limit there stated if the commission finds that it is reasonable to do so consistent with the intent of this statute to allow persons taking up residency in the state the free movement of their household goods into this state.</p> <p>(d) In the case of a shipment of wine or beer that is otherwise available in the state, the permit shall not be issued unless the applicant pays a fee equal to the tax that would be imposed by §244D-4 upon the use of liquor having a wholesale price equal to the price paid or to be paid by the applicant for the wine or beer being shipped, and such fee shall be in lieu of the imposition by §244D-4 of any tax upon the use of the wine or beer.</p> |

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| | | <p>(e) Except in the case of applications meeting the requirements of subsection (b), (c), or (d), the permit shall not be issued unless the applicant demonstrates to the satisfaction of the liquor commission that each of the brands to be brought in under the permit is otherwise unavailable in the state.</p> <p>(f) No more than 1 permit may be issued pursuant to subsection (a) in respect of any 1 household in any calendar year, and each applicant shall be required to affirm, under penalty of perjury, that no member of the applicant's household has previously received such a permit in the applicable calendar year.</p> <p>(g) All such applications and shipments shall be in accordance with regulations promulgated by the liquor commission.</p> <p>(h) A common carrier to whom the permit is presented is authorized to make delivery of the described shipment to the person named in the permit. Delivery of such a shipment pursuant to the permit shall not be deemed to constitute a sale in this state.</p> <p>(i) An unlicensed adult shall not be required to obtain a permit under this section to receive shipments of liquor pursuant to §281-33.6.</p> |
| Indiana | Ind. Code §7.1-3-4-6 | <p>(a) The holder of a beer retailer's permit shall be entitled to purchase beer for sale under his permit only from a permittee entitled to sell to him under this title. A beer retailer shall be entitled to possess beer and sell it at retail to a customer for consumption on the licensed premises. A beer retailer also shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.</p> <p>(b) A beer retailer shall not be entitled to sell beer at wholesale. He shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall he be entitled to sell beer at a place other than the licensed premises. However, a beer retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.</p> <p>(c) A beer retailer shall be entitled to sell and deliver warm or cold beer for carry out, or for at-home delivery, in barrels or other</p> |

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| | | commercial containers in a quantity that does not exceed 15.5 gallons at any one time. |
| | Ind. Code §7.1-3-9-9 | <p>(a) The holder of a liquor retailer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to him under this title. A liquor retailer shall be entitled to possess liquor and sell it at retail to a customer for consumption on the licensed premises. A liquor retailer also shall be entitled to sell liquor to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.</p> <p>(b) A liquor retailer shall not be entitled to sell liquor at wholesale. He shall not be entitled to sell and deliver liquor on the street or at the curb outside the licensed premises, nor shall he be entitled to sell liquor at a place other than the licensed premises. However, a liquor retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.</p> <p>(c) A liquor retailer shall not be entitled to sell and deliver liquor for carry out, or for at-home delivery, in a quantity that exceeds 4 quarts at any one time.</p> |
| | Ind. Code §7.1-3-10-7 | <p>(a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.</p> <p>(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.</p> <p>(c) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed 12 quarts at any one time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one year that shows the customer's name, location of delivery, and quantity sold.</p> <p>(d) A liquor dealer may not sell or deliver alcoholic beverages or any</p> |

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| | | other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises. |
| | Ind. Code §7.1-3-14-4 | <p>(a) The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises. A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house.</p> <p>(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.</p> <p>(c) A wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery.</p> |
| | Ind. Code §7.1-3-15-3 | <p>(a) The holder of a wine dealer's permit shall be entitled to purchase wine only from a permittee who is authorized to sell to a wine dealer under this title. A wine dealer shall be entitled to sell wine for consumption off the licensed premises only and not by the drink.</p> <p>(b) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than three (3) standard cases, as determined under the rules of the commission, in a single transaction. However, a wine dealer who is licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its original package to a customer only for consumption off the licensed premises.</p> <p>(c) Unless a wine dealer is a grocery store or drug store, a wine dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is</p> |

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| | | <p>outside the licensed premises. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.</p> <p>(d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may deliver wine only in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one year that shows the customer's name, location of delivery, and quantity sold.</p> |
| Iowa | Iowa Code §123.46A | <p>1. Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home, another licensed premises if there is identical ownership of the premises by the licensee or permittee, or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit.</p> <p>2. All deliveries of alcoholic liquor, wine, or beer shall be subject to the following requirements and restrictions: a. Payment for the alcoholic liquor, wine, or beer shall be received by the licensee or permittee at the time of order. b. Orders for deliveries may be taken by the licensee or permittee between the hours of 2 a.m. and 6 a.m. on a day other than Sunday, and orders for deliveries may be taken between the hours of 2 a.m. and 8 a.m. on a Sunday provided the licensee or permittee has been granted the privilege of selling alcoholic liquor, wine, or beer on Sunday, notwithstanding any provision of §123.49, subsection 2, paragraph "b", to the contrary. c. Alcoholic liquor, wine, or beer delivered to a person shall be for personal use and not for resale. d. Deliveries shall only be made to persons in this state who are 21 years of age or older. e. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication. f. Deliveries shall occur between 6 a.m. and 10 p.m. Monday through Saturday, and between 8 a.m. and 10 p.m. Sunday. g. Delivery of alcoholic liquor, wine, or beer shall be made by the</p> |

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| | | <p>licensee or permittee, or the licensee's or permittee's employee, and not by a third party. h. Delivery personnel shall be 21 years of age or older. i. Deliveries shall be made in a vehicle owned, leased, or under the control of the licensee or permittee. j. Valid proof of the recipient's identity and age shall be obtained at the time of delivery, and the signature of a person 21 years of age or older shall be obtained as a condition of delivery. k. Licensees and permittees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic liquor, wine, or beer. The records shall be maintained on the licensed premises for a period of three years. l. Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the liquor control license or retail wine or beer permit covering the premises to receive the delivery. m. Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee or permittee who received the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee or permittee who fulfilled the order.</p> <p>3. A violation of this section or any other provision of this chapter shall subject the licensee or permittee to the penalty provisions of §123.39.</p> <p>4. Nothing in this section shall impact the direct shipment as regulated by §123.187.</p> |
| Louisiana | La. Rev. Stat. Ann. §26:2 | <p>For purposes of this Chapter, the following terms have the respective meanings ascribed to them in this section, unless a different meaning clearly appears from the context:</p> <p>(8) For purposes of R.S. 26:153, "delivery" means a delivery of an alcoholic beverage in a container sealed by the manufacturer of the alcoholic beverage by a liquor retailer permitted pursuant to R.S. 26:71(A)(3)(b) or by a retailer permitted to sell alcoholic beverages for off-premise consumption and their employees. Delivery shall be permitted only in those areas where the sale of alcoholic beverages are permitted. Delivery by a retailer shall not extend past the boundaries of the parish where the retailer's permitted</p> |

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| | | <p>establishment is located. Prior to delivering alcoholic beverages, a retailer shall give notice to and receive permission from the office of alcohol and tobacco control subject to rules promulgated by the commissioner as authorized by this section.</p> <p>(26) "Third party" means an independent technology company that operates a website or consumer application on which independent liquor retailers market their products. Such third party company shall not deal, handle, sell, offer for sale, or possess for sale alcoholic beverages or process payments for the sale of alcoholic beverages.</p> |
| | <p>La. Rev. Stat. Ann. §26:153</p> | <p>A. Notwithstanding any law to the contrary, any liquor retailer permitted pursuant to R.S. 26:71(A)(3)(b) or any retailer permitted to sell alcoholic beverages for off-premise consumption may deliver, either on the licensed premises itself or at a residential or commercial address designated by the consumer, products lawfully sold to and purchased by such consumer, provided that: (1) The liquor retailer possesses a Class B permit as defined in R.S. 26:2 or possesses a permit that allows the retailer to sell alcoholic beverages for off-premise consumption. (2) The liquor retailer or an employee of the liquor retailer processes at the Class B premises or at the premise permitted to sell alcoholic beverages for off-premise consumption all payments initiated by a consumer that is transacting the purchase with the liquor retailer. (3) The Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, assembles, packages, and fulfills each order at the permitted premises where the order was processed using inventory located at that premises that was purchased from a permitted wholesale dealer. (4) Deliveries to consumers are made only by the Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, and only to consumers at a residential or commercial address in this state. (5) The alcoholic beverages delivered are for personal consumption, not intended for resale, and are in a container sealed by the manufacturer of the alcoholic beverage. The delivery of an "open alcoholic beverage container" as defined in R.S. 32:300 is prohibited.</p> |

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| | | <p>(6) Delivery of alcoholic beverages is permitted only in those areas where the retail sale of alcoholic beverages is permitted. Delivery shall be prohibited in any area where it is prohibited by the local governing authority. The delivery radius of a retailer shall not extend past the boundaries of the parish where the retailer's permitted establishment is located. (7) Alcoholic beverages are not delivered to an address on a campus of any state college, university, or technical college or institute, any independent college or university, or any elementary or secondary school located in this state. (8) Delivery is permitted only during the hours that the authorized retailer's permitted establishment is open to the public. (9) At the time of delivery, the Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, verifies that the recipient of the alcoholic beverage or beverages is not visibly intoxicated. (10) At the time of delivery, the Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, verifies the identity and age of the person accepting delivery of the order by validating a state-issued photo identification of the person or through use of a real-time age verification system authorized by the commissioner. Additionally, a signature of the person receiving the delivery acknowledging receipt of the delivery and verifying their age shall be obtained. (11) The retail dealer keeps a record of all deliveries of alcoholic beverages and retains such records for two years from the date of the delivery. The retail dealer shall make such records available to the commissioner of the office of alcohol and tobacco control upon request for the purpose of investigating and enforcing the provisions of this Title. The record of each delivery shall include: (a) The retail dealer's name, address, and permit number. (b) The name of the person who placed the order and the date, time, and method of the order. (c) The name of the employee making the delivery and the date, time, and address of the delivery. (d) The type, brand, and quantity of each alcoholic beverage delivered. (e) The name, date of birth, and signature of the person that received the delivery.</p> <p>B. Notwithstanding any law, rule, or regulation to the contrary, any</p> |
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| | | <p>liquor retailer permitted pursuant to R.S. 26:71(A)(3)(b) or a retailer permitted to sell alcoholic beverages for off-premise consumption, may use electronic means to do the following: (1) Market the alcohol products it is licensed to sell. (2) Receive and process purchase orders placed by a consumer of legal drinking age, which orders may then be delivered to such consumer on the licensed premises itself or at a residential or commercial address in this state designated by the consumer in accordance with Paragraph (A)(4) of this section.</p> <p>C. A Class B liquor retailer permitted pursuant to R.S. 26:71(A)(3)(b) or a retailer permitted to sell alcoholic beverages for off-premise consumption may market, receive, and process orders for alcohol products under this section using electronic means owned, operated, and maintained by a third party, provided that: (1) The permittee maintains ultimate control and responsibility over the sales transaction and transfer of physical possession of the alcoholic beverages. (2) The permittee retains the sole discretion to determine whether to accept and complete an order or reject it, and the permittee or an employee of the permittee reviews and accepts or rejects each order. (3) The permittee retains the independence to determine which alcoholic beverages are made available through electronic means, which alcoholic beverages are made available for delivery to the consumer at the licensed premises itself or at another address designated by the consumer, and the permittee shall independently set the price of such products. (4) The purchase transaction takes place between the consumer and the permittee and the permittee appears as the retail dealer. (5) Any credit or debit card information provided by a consumer to the third party for the purpose of transacting a purchase with a permittee is automatically directed to the permittee such that the permittee appears as the retail dealer at the time of purchase and on the receipt. (6) The permittee, or an employee of the permittee, processes, at the premises that accepts the order, all payments initiated by a consumer that is transacting a purchase with the permittee. (7) The alcoholic beverages are in the possession of the permittee prior to the permittee's processing of payment of such</p> |
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| | | <p>products. (8) The permittee, or an employee of the permittee, assembles, packages, and fulfills each order at the premises that accepted the order. (9) Deliveries to consumers are made by the permittee, or by an employee of the permittee. (10) At the time of delivery, the permittee, or an employee of the permittee, verifies the identity and age of the person accepting delivery of the order by validating a state-issued photo identification of the person or through use of a real-time age verification system authorized by the commissioner. Additionally, a signature of the person receiving the delivery acknowledging receipt of the delivery and verifying their age shall be obtained.</p> <p>D. The relationship between the permittee and the third party pursuant to subsection C of this section shall be one of independent contractors, and neither party shall be deemed the employee, agent, or joint venturer of the other party under any circumstances or for any purposes.</p> <p>E. The commissioner may promulgate rules in accordance with the Administrative Procedure Act related to the requirements and qualifications for delivery.</p> <p>F. If any provision of this section, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the legislature to further limit rather than expand commerce in alcoholic beverages and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by the Alcoholic Beverage Control Law upon all alcoholic beverages.</p> |
| | La. Rev. Stat. Ann. §26:241 | <p>The following terms have the respective meanings ascribed to them except in those instances where the context indicates a different meaning:</p> <p>(6) For purposes of R.S. 26:307, "delivery" means a delivery of an alcoholic beverage in a container sealed by the manufacturer of the alcoholic beverage by a liquor retailer permitted pursuant to R.S. 26:271(A)(3) or by a retailer permitted to sell alcoholic beverages for off-premise consumption and their employees. Delivery shall be permitted only in those areas where the sale of alcoholic beverages</p> |

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| | | <p>is permitted. Delivery by a retailer shall not extend past the boundaries of the parish where the retailer's permitted establishment is located. Prior to delivering alcoholic beverages, a retailer shall give notice to and receive permission from the office of alcohol and tobacco control subject to rules promulgated by the commissioner as authorized by this section.</p> <p>(24) "Third party" means an independent technology company that operates a website or consumer application on which independent liquor retailers market their products. Such third party company shall not deal, handle, sell, offer for sale, or possess for sale alcoholic beverages or process payments for the sale of alcoholic beverages.</p> <p>(25) "Third-party platform" means a third-party service that is licensed to do business in the state of Louisiana that performs work with its own employees or agents for which the platform is required to file an Internal Revenue Service Form W-2 or 1099.</p> |
| | <p>La. Rev. Stat. Ann. §26:271.2 Third party delivery Restaurant delivery by own employees</p> | <p>The commissioner shall issue the following four types of Class A retail permits for beverages of low alcoholic content:</p> <p>(1) Class A-General: (j) Notwithstanding any provision of law to the contrary and subject to rules promulgated by the commissioner, a permit may be issued to a third party that has entered into a written agreement with a retail dealer for the delivery of alcoholic beverages pursuant to R.S. 26:308 if the third party and the written agreement meet all the requirements set forth in R.S. 26:308. Notwithstanding the provisions of R.S. 26:271(A)(2), the permit fee for the permit issued pursuant to this Subparagraph shall be \$1,500.</p> <p>(2) Class A-Restaurant: (a) A Class A-Restaurant permit shall be issued only to a "restaurant establishment" as defined by R.S. 26:272(C)(1) or a dinner theater as defined in R.S. 26:241, and issued to a facility in conjunction with a Class "R" restaurant permit under the provisions of R.S. 26:272. (b) Notwithstanding any provision of law to the contrary and subject to rules promulgated by the commissioner, in addition to the authority to contract with a third party delivery company or a third party platform as provided in R.S. 26:308, a permit may be issued to</p> |

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| | | a "restaurant establishment" enabling the delivery of restaurant prepared food and malt beverages, sparkling wine, and still wine, as defined in R.S. 26:2 and 241 with its own employees or agents for which the retailer is required to file an Internal Revenue Service Form W-2 or 1099. Notwithstanding the provisions of R.S. 26:271(A)(2), the permit fee for the permit issued pursuant to this Subparagraph shall be \$250. |
| | La. Rev. Stat. Ann. §26:271.4 Grocery store delivery by own employees | Notwithstanding any provisions of law to the contrary and subject to rules promulgated by the commissioner, in addition to the authority to contract with a third party delivery company or a third party platform as provided in R.S. 26:308, a permit may be issued to a grocery store enabling the delivery of alcohol as defined in R.S. 26:2 (1) and 241 (1)(a) with its own employees or agents for which the retailer is required to file an Internal Revenue Service Form W-2 or 1099. Notwithstanding the provisions of R.S. 26:271(A)(2), the permit fee for the permit issued pursuant to this section shall be \$250. |
| | La. Rev. Stat. Ann. §26:274 | A. (2) Parishes and municipalities may issue and require local permits similar to those issued by the commissioner for the delivery of alcoholic beverages by grocery stores, restaurants, and third parties. |
| | La. Rev. Stat. Ann. §26:307 | A. Notwithstanding any law to the contrary, any liquor retailer permitted pursuant to R.S. 26:271(A)(3) or any retailer permitted to sell alcoholic beverages for off-premise consumption may deliver, either on the licensed premises itself or at a residential or commercial address designated by the consumer, products lawfully sold to and purchased by such consumer, provided that: (1) The liquor retailer possesses a Class B permit as defined in R.S. 26:241 or possesses a permit that allows the retailer to sell alcoholic beverages for off-premise consumption. (2) The liquor retailer or an employee of the liquor retailer processes at the Class B premises or at the premises permitted to sell alcoholic beverages for off-premise consumption all payments initiated by a consumer that is transacting the purchase with the liquor retailer. (3) The Class B liquor retailer or any retailer permitted to sell alcoholic beverages |

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| | | <p>for off-premise consumption, or an employee of the retailer, assembles, packages, and fulfills each order at the permitted premises where the order was processed using inventory located at that premises that was purchased from a permitted wholesale dealer. (4) Deliveries to consumers are made only by the Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, and only to consumers at a residential or commercial address in this state. (5) The alcoholic beverages delivered are for personal consumption, not intended for resale, and are in a container sealed by the manufacturer of the alcoholic beverage. The delivery of an "open alcoholic beverage container" as defined in R.S. 32:300 is prohibited. (6) Delivery of alcoholic beverages is permitted only in those areas where the retail sale of alcoholic beverages is permitted. Delivery shall be prohibited in any area where it is prohibited by the local governing authority. The delivery radius of a retailer shall not extend past the boundaries of the parish where the retailer's permitted establishment is located. (7) Alcoholic beverages are not delivered to an address on a campus of any state college, university, or technical college or institute, any independent college or university, or any elementary or secondary school located in this state. (8) Delivery is permitted only during the hours that the authorized retailer's permitted establishment is open to the public. (9) At the time of delivery, the Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, verifies that the recipient of the alcoholic beverage or beverages is not visibly intoxicated. (10) At the time of delivery, the Class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, or an employee of such retailer, verifies the identity and age of the person accepting delivery of the order by validating a state-issued photo identification of the person or through use of a real-time age verification system authorized by the commissioner. Additionally, a signature of the person receiving the delivery acknowledging receipt of the delivery and verifying their age shall be obtained. (11) The retail dealer keeps a record of all deliveries of alcoholic beverages</p> |
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| | | <p>and retains such records for two years from the date of the delivery. The retail dealer shall make such records available to the commissioner of the office of alcohol and tobacco control upon request for the purpose of investigating and enforcing the provisions of this Title. The record of each delivery shall include: (a) The retail dealer's name, address, and permit number. (b) The name of the person who placed the order and the date, time, and method of the order. (c) The name of the employee making the delivery and the date, time, and address of the delivery. (d) The type, brand, and quantity of each alcoholic beverage delivered. (e) The name, date of birth, and signature of the person that received the delivery.</p> <p>B. Notwithstanding any law, rule, or regulation to the contrary, any liquor retailer permitted pursuant to R.S. 26:271(A)(3) or a retailer permitted to sell alcoholic beverages for off-premise consumption, that sells alcoholic beverages at retail to consumers for consumption off the premises may use electronic means to do the following: (1) Market the alcohol products it is licensed to sell. (2) Receive and process purchase orders placed by a consumer of legal drinking age, which orders may then be delivered to such consumer on the licensed premises itself or at a residential or commercial address in this state designated by the consumer in accordance with Paragraph (A)(4) of this section.</p> <p>C. A Class B liquor retailer permitted pursuant to R.S. 26:271(A)(3) or a retailer permitted to sell alcoholic beverages for off-premise consumption may market, receive, and process orders for alcohol products under this section using electronic means owned, operated, and maintained by a third party, provided that: (1) The permittee maintains ultimate control and responsibility over the sales transaction and transfer of physical possession of the alcoholic beverages. (2) The permittee retains the sole discretion to determine whether to accept and complete an order or reject it, and the permittee or an employee of the permittee reviews and accepts or rejects each order. (3) The permittee retains the independence to determine which alcoholic beverages are made available through electronic means, which alcoholic beverages are made available for delivery to the consumer at the licensed premises itself or at</p> |
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| | | <p>another address designated by the consumer, and the permittee shall independently set the price of such products. (4) The purchase transaction takes place between the consumer and the permittee and the permittee appears as the retail dealer. (5) Any credit or debit card information provided by a consumer to the third party for the purpose of transacting a purchase with a permittee is automatically directed to the permittee such that the permittee appears as the retail dealer at the time of purchase and on the receipt. (6) The permittee, or an employee of the permittee, processes, at the premises that accepts the order, all payments initiated by a consumer that is transacting a purchase with the permittee. (7) The alcoholic beverages are in the possession of the permittee prior to the permittee's processing of payment of such products. (8) The permittee, or an employee of the permittee, assembles, packages, and fulfills each order at the premises that accepted the order. (9) Deliveries to consumers are made by the permittee, or by an employee of the permittee. (10) At the time of delivery, the permittee, or an employee of the permittee, verifies the identity and age of the person accepting delivery of the order by validating a state-issued photo identification of the person or through use of a real-time age verification system authorized by the commissioner. Additionally, a signature of the person receiving the delivery acknowledging receipt of the delivery and verifying their age shall be obtained.</p> <p>D. The relationship between the permittee and the third party pursuant to subsection C of this section shall be one of independent contractors, and neither party shall be deemed the employee, agent, or joint venturer of the other party under any circumstances or for any purposes.</p> <p>E. The commissioner may promulgate rules in accordance with the Administrative Procedure Act related to the requirements and qualifications for delivery.</p> <p>F. If any provision of this section, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the legislature to further limit rather</p> |
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| | | <p>than expand commerce in alcoholic beverages and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by the Alcoholic Beverage Control Law upon all alcoholic beverages.</p> |
| | <p>La. Rev. Stat. Ann. §26:308 Third party delivery agreements</p> | <p>A. For purposes of this section only, a third party delivery company shall be defined as a third party delivery service that is licensed to do business in the state of Louisiana, permitted with the office of alcohol and tobacco control, and uses their own employees or agents for which the third party delivery company or the third party platform is required to file an Internal Revenue Service Form W-2 or 1099 for delivery. For all other alcohol delivery provisions of this Chapter, third party shall be the definition provided in R.S. 26:2 and 241.</p> <p>B. Notwithstanding any provision of law to the contrary, a retail dealer possessing a valid Class A-General retail permit as provided in R.S. 26:271.2, a Class "R" restaurant permit as provided in R.S. 26:272, or a package house-Class B, as defined in R.S. 26:241, permit as provided in this Chapter may enter into a written agreement with a third party delivery company or a third party platform for the use of an internet or mobile application or similar technology platform to facilitate the sale of alcoholic beverages for delivery to consumers for personal consumption within this state and the third party delivery company or the third party platform may deliver alcoholic beverages to the consumer.</p> <p>C. An alcoholic beverage delivery agreement between a retail dealer and a third party shall require all of the following: (1) Only alcoholic beverages purchased from a wholesale dealer licensed pursuant to this Title are offered for delivery. (2)(a) Only alcoholic beverages as defined in R.S. 26:2(1), and R.S. 26:241(1)(a) are offered for delivery from the licensed premises of a package house-Class B permit holder. (b) Only malt beverages, sparkling wine, and still wine, as defined in R.S. 26:2 and 241 are offered for delivery from the licensed premises of a restaurant permit holder. (3) Only alcoholic beverages intended for personal consumption and delivered in a manufacturer sealed container are offered for delivery. "Manufacturer sealed container" as used in this Paragraph shall</p> |

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| | | <p>mean the original sealed container that is filled with the alcoholic beverage at the permitted facility by the manufacturer as defined in R.S. 26:2 and 241. (4) Alcoholic beverages are delivered only on the days and during the hours the retail dealer is authorized to sell or serve alcoholic beverages. (5) Alcoholic beverages are delivered only in those areas where the sale of alcoholic beverages is permitted. Delivery of alcoholic beverages in an area where the sale of alcoholic beverages has been prohibited by a referendum vote is prohibited. (6) No alcoholic beverages shall be delivered to a state college, university, or technical college or institute or an independent college or university located in this state. (7) No alcoholic beverages shall be delivered to any public playground or building used primarily as a church, synagogue, public library, or school. (8) (a) For any parish having a population of less than one hundred thousand according to the latest federal decennial census, no alcoholic beverages shall be delivered more than 25 miles from the place of purchase. (b) For any parish having a population of greater than one hundred thousand according to the latest federal decennial census, no alcoholic beverages shall be delivered more than ten miles from the place of purchase. (9) All orders for the delivery of alcoholic beverages shall also contain food. (10) The alcoholic beverages of all deliveries which are refused by a third party shall be returned to the place of purchase. (11) Alcoholic beverages are delivered only by a person that meets all of the following requirements: (a) The person is 18 years of age or older. (b) The person is an employee or agent for which the third party delivery company or the third party platform shall be required to file an Internal Revenue Service Form W-2 or 1099. (c) The person possesses a valid server permit as provided in R.S. 26:931 <i>et seq.</i> (12) The retail dealer shall manage and control the sale of alcoholic beverages including but not limited to all of the following: (a) Determining the alcoholic beverages to be offered for sale through a third party's internet or mobile application platform or similar technology. (b) Determining the price at which alcoholic beverages are offered for sale or sold through a third party's internet or mobile application platform or similar technology. (c) Accepting or</p> |
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| | | <p>rejecting all orders placed for alcoholic beverages through a third party's internet or mobile application platform or similar technology. (d) Collecting and remitting all applicable state and local taxes.</p> <p>D. A retail dealer shall enter into an alcoholic beverage delivery agreement with a third party delivery company or a third party platform only when the third party meets all of the following requirements: (1) The third party delivery company or the third party platform is properly registered and authorized to conduct business in Louisiana. (2) The third party delivery company or the third party platform holds a valid Louisiana alcoholic beverage permit issued pursuant to R.S. 26:271.2(1)(j). (3) The third party delivery company or the third party platform shall maintain a general liability insurance policy with a liquor liability endorsement in an amount no less than \$1 million per occurrence for the duration of the agreement with the retail dealer and shall provide proof of coverage to the retail dealer. (4) The third party delivery company or the third party platform is able to monitor the routes of its employees or agents during alcoholic beverage deliveries. (5) The third party delivery company or the third party platform conducts a screening and a background check of all persons that will deliver alcoholic beverages.</p> <p>E. A retail dealer may pay a third party delivery company or a third party platform a fee for its services and a third party may charge a reasonable delivery fee for orders delivered by the third party delivery company or the third party platform. A third party delivery company properly licensed pursuant to this section or its authorized agent may act as an agent of a retail dealer in the collection of payments from the sale of alcoholic beverages, but the full amount of each order must be handled in a manner that gives the retail dealer control over the ultimate receipt of the payment from the consumer. A third party delivery company or a third party platform properly licensed pursuant to this section or its authorized agent may also act as an agent of a retail dealer for the purposes of processing, assembling, packaging, and fulfilling alcoholic beverage orders for delivery from the retailer's licensed</p> |
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| | | <p>premises. No additional permit shall be required of a retail dealer who has contracted with a third party delivery company properly licensed pursuant to this section for the purpose of processing, assembling, packaging, and fulfilling alcoholic beverage orders for delivery from the retailer's licensed premises.</p> <p>F. (1) The third party delivery company or the third party platform may receive orders and accept payment via the internet or through a mobile application or similar technology. (2) At the time of delivery of alcoholic beverages, the third party's delivery agent shall obtain the recipient's signature and verify the age of the recipient through the use of an electronic age verification device that shall be approved by the commissioner. Such device shall be capable of all of the following: (a) Verifying proof of age through technology of a magnetic card reader or an alternative technology capable of verifying proof of age. (b) Reading a valid state-issued driver's license, a valid state issued identification card, a valid military identification card, or a valid passport. (c) Storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was scanned. (3) The third party's delivery agent shall refuse delivery and return the alcoholic beverages to the place of purchase if: (a) The recipient does not produce a valid and current form of identification as provided in R.S. 26:286(A)(1). (b) The recipient is intoxicated. (c) There is reason to doubt the authenticity or correctness of the recipient's identification. (d) The recipient refuses to sign for the receipt of the delivery. (4) A third party delivery agent who delivers alcoholic beverages, but fails to comply with the provisions of Paragraphs (2) and (3) of this Subsection and administrative rules promulgated pursuant to this Section, shall be vicariously liable for damages incurred as a result of the failure to comply.</p> <p>G. A record of each delivery of alcoholic beverages shall be retained for three years from the date of delivery and made available to the commissioner of the office of alcohol and tobacco control upon request for the purpose of investigating and enforcing the provisions of this Title. The record of each delivery shall include: (1) The retail dealer's name, address, and permit number. (2) The name</p> |
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| | | <p>of the person who placed the order and the date, time, and method of the order. (3) The name of the delivery agent and the date, time, and address of the delivery. (4) The type, brand, and quantity of each alcoholic beverage delivered. (5) The name, date of birth, and signature of the person who received the delivery.</p> <p>H. The provisions of this Section shall not apply to the transportation or delivery of sparkling wine or still wine made by a carrier in accordance with R.S. 26:359.</p> <p>I. The commissioner of the office of alcohol and tobacco control may promulgate rules and regulations in accordance with the Administrative Procedure Act to effectuate the provisions of this section.</p> <p>J. Any permittee who violates the provisions of this section shall be subject to revocation of their permit by the commissioner.</p> |
| Massachusetts | Mass. Gen. Laws Ann. ch. 138, §22 | <p>Notwithstanding any other provision of this section, any individual, partnership, or corporation, regularly and lawfully conducting a parcel delivery service, or a general express or trucking business, or regularly and lawfully engaged in the business of leasing trucks for hire, with or without drivers, may, if authorized by a permit issued by the commission, transport or deliver the products sold at retail by licensees under §§19B, 19C and 19F to the ultimate consumers of such products. There shall be a fee for such permit, and persons operating a vehicle when engaged in such transportation or delivery shall be required to carry such permit or certified copy thereof. Parcels transported or delivered under this paragraph shall be clearly labeled with words that indicate that the package contains alcohol and that the signature of a person, age 21 years or older, is required for delivery. Receipts for delivery of such parcels shall contain a check box next to the recipient's signature where he shall certify that he is not under 21 years of age and a check box where the delivery person shall certify that valid identification showing that the recipient is not under 21 years of age was presented by the recipient upon delivery. Notwithstanding the foregoing, a delivery company may use an electronic device to receive the signature of a person accepting delivery of a parcel under this section and to certify that the person has displayed a valid identification as so</p> |

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| | | required. No such delivery shall exceed 108 liters. |
| Michigan | <p>Mich. Comp. Laws §436.1203 <i>Held unconstitutional by Lebamoff Enterprises v. Snyder, 347 F.Supp.3d 301, E.D.Mich. Sep. 28, 2018.</i> <i>Petition for Certiorari docketed by Lebamoff Enterprises v. Whitmer, U.S. Supreme Court, July 20, 2020.</i></p> | <p>(1) Except as provided in this section and §301, a person shall not sell, deliver, or import alcoholic liquor, including alcoholic liquor for personal use, in this state unless the sale, delivery, or importation is made by the commission, the commission's authorized agent or distributor, an authorized distribution agent approved by order of the commission, a person licensed by the commission, or by prior written order of the commission.</p> <p>(2) Notwithstanding R 436.1011(7)(b) and R 436.1527 of the Michigan Administrative Code and except as provided in subsections (3), (12), (13), (14), (15), and (16), a retailer shall not deliver alcoholic liquor to a consumer in this state at the home or business of the consumer or at any location away from the licensed premises of the retailer. The purpose of this subsection is to exercise this state's authority under §2 of amendment XXI of the constitution of the United States, to maintain the inherent police powers to regulate the transportation and delivery of alcoholic liquor, and to promote a transparent system for the transportation and delivery of alcoholic liquor. The regulation described in this subsection is considered necessary for both of the following reasons: (a) To promote the public health, safety, and welfare. (b) To maintain strong, stable, and effective regulation by having beer and wine sold by retailers to consumers in this state by passing through the 3-tier distribution system established under this act.</p> <p>(3) For purposes of subsection (1), a retailer that holds a specially designated merchant license located in this state may use a common carrier to deliver wine to a consumer in this state. A retailer that uses a common carrier to deliver wine to a consumer under this subsection shall comply with all of the following: (a) Pay any applicable taxes to the commission and pay any applicable taxes to the department of treasury as directed by the department of treasury. On the request of the department of treasury, a retailer shall furnish an affidavit to verify payment. (b) Comply with all laws of this state, including, but not limited to, the prohibition on sales to minors. (c) Verify the age of the individual placing the order by obtaining from him or her a copy of a photo identification issued by</p> |

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| | | <p>this state, another state, or the federal government or by using an identification verification service. The person receiving and accepting the order on behalf of the retailer shall record the name, address, date of birth, and telephone number of the individual placing the order on the order form or other verifiable record of a type and generated in a manner approved by the commission and provide a duplicate to the commission. (d) On request of the commission, make available to the commission any document used to verify the age of the individual ordering or receiving the wine from the retailer. (e) Stamp, print, or label on the outside of the shipping container that the package “Contains Alcohol. Must be delivered to a person 21 years of age or older.”. The recipient at the time of the delivery shall provide identification verifying his or her age and sign for the delivery. (f) Place a label on the top panel of the shipping container containing the name and address of the individual placing the order and the name of the designated recipient if different from the name of the individual placing the order.</p> <p>(5) For a delivery of wine through the use of a common carrier under subsection (3), a person taking the order on behalf of the retailer shall comply with subsection (3)(b) to (f). For a sale, delivery, or importation of wine occurring by any means described in subsection (4), a person taking the order on behalf of the direct shipper shall comply with subsection (4)(c) to (g).</p> <p>(12) A retailer that holds a specially designated merchant license, a brewpub, a micro brewer, or an out-of-state entity that is the substantial equivalent of a brewpub or micro brewer may deliver beer and wine to the home or other designated location of a consumer in this state if all of the following conditions are met: (a) The beer or wine, or both, is delivered by the retailer's, brewpub's, or micro brewer's employee. (b) The retailer, brewpub, or micro brewer or its employee who delivers the beer or wine, or both, verifies that the individual accepting delivery is at least 21 years of</p> |
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| | | <p>age. (c) If the retailer, brewpub, or micro brewer or its employee intends to provide service to consumers, the retailer, brewpub, or micro brewer or its employee providing the service has received alcohol server training through a server training program approved by the commission.</p> <p>(13) A retailer that holds a specially designated merchant license may use a third party that provides delivery service to municipalities in this state that are surrounded by water and inaccessible by motor vehicle to deliver beer and wine to the home or other designated location of that consumer if the delivery service is approved by the commission and agrees to verify that the individual accepting delivery of the beer and wine is at least 21 years of age.</p> <p>(14) A retailer that holds a specially designated distributor license may deliver spirits to the home or other designated location of a consumer in this state if all of the following conditions are met: (a) The spirits are delivered by the retailer's employee. (b) The retailer or its employee who delivers the spirits verifies that the individual accepting delivery is at least 21 years of age. (c) If the retailer or its employee intends to provide service to consumers, the retailer or its employee providing the service has received alcohol server training through a server training program approved by the commission.</p> <p>(15) A retailer that holds a specially designated merchant license located in this state may use a third party facilitator service by means of the internet or mobile application to facilitate the sale of beer or wine to be delivered to the home or designated location of a consumer as provided in subsection (12), this subsection, or, for wine only, subsection (3), and a third party facilitator service may deliver beer or wine to a consumer on behalf of a retailer that holds a specially designated merchant license located in this state, if all of the following conditions are met: (a) If the third party facilitator service delivers beer or wine under this subsection, the third party facilitator service verifies that the individual accepting the delivery of the beer or wine is at least 21 years of age. (b) A manufacturer, warehouse, wholesaler, outstate seller of beer, outstate seller of wine, supplier of spirits, or outstate seller of mixed spirit drink</p> |
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| | | <p>does not have a direct or indirect interest in the third party facilitator service. (c) A manufacturer, warehouse, wholesaler, outstate seller of beer, outstate seller of wine, supplier of spirits, or outstate seller of mixed spirit drink does not aid or assist a third party facilitator service by gift, loan of money or property of any description, or other valuable thing as defined in section 609,2 and a third party facilitator service does not accept the same. (d) The retailer or consumer pays the fees associated with deliveries provided for under this subsection. (e) The third party facilitator service offers services for all brands available at the retail location. (16) A retailer that holds a specially designated distributor license located in this state may use a third party facilitator service by means of the internet or mobile application to facilitate the sale of spirits to be delivered to the home or designated location of a consumer as provided in subsection (14) or this subsection, and a third party facilitator service may deliver spirits to a consumer on behalf of a retailer that holds a specially designated distributor license located in this state, if all of the following conditions are met: (a) If the third party facilitator service delivers spirits under this subsection, the third party facilitator service verifies that the individual accepting the delivery of the spirits is at least 21 years of age. (b) A manufacturer, warehouse, wholesaler, outstate seller of beer, outstate seller of wine, supplier of spirits, or outstate seller of mixed spirit drinks does not have a direct or indirect interest in the third party facilitator service. (c) A manufacturer, warehouse, wholesaler, outstate seller of beer, outstate seller of wine, supplier of spirits, or outstate seller of mixed spirit drinks does not aid or assist a third party facilitator service by gift, loan of money or property of any description, or other valuable thing as defined in §609, and a third party facilitator service does not accept the same. (d) The retailer or consumer pays the fees associated with deliveries provided for under this subsection. (e) The third party facilitator service offers services for all brands available at the retail location. (17) A third party facilitator service shall not deliver beer, wine, or spirits to a consumer under subsection (15) or (16), as applicable, and shall not facilitate the sale of beer, wine, or spirits under</p> |
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| | | <p>subsection (15) or (16), as applicable, unless it applies for and is granted a third party facilitator service license by the commission. The commission may charge a reasonable application fee, initial license fee, and annual license renewal fee. The commission shall establish a fee under this subsection by written order.</p> <p>(18) If a third party facilitator service used by a retailer that holds a specially designated merchant or specially designated distributor license under subsection (15) or (16), as applicable, violates this section, the commission shall not treat the third party facilitator service's violation as a violation by the retailer.</p> <p>(19) A common carrier that carries or transports alcoholic liquor into this state to a person in this state shall submit quarterly reports to the commission. A report required under this subsection must include all of the following about each delivery to a consumer in this state during the preceding calendar quarter: (a) The name and business address of the person that ships alcoholic liquor. (b) The name and address of the recipient of alcoholic liquor. (c) The weight of alcoholic liquor delivered to a consignee. (d) The date of the delivery.</p> <p>(20) A common carrier described in subsection (19) shall maintain the books, records, and documents supporting a report submitted under subsection (19) for 3 years unless the commission notifies the common carrier in writing that the books, records, and supporting documents may be destroyed. Within 30 days after the commission's request, the common carrier shall make the books, records, and documents available for inspection during normal business hours. Within 30 days after a local law enforcement agency's or local governmental unit's request, the common carrier shall also make the books, records, and documents available for inspection to a local law enforcement agency or local governmental unit where the carrier resides or does business.</p> <p>(21) A third party facilitator service that delivers beer, wine, or spirits to a consumer under subsection (15) or (16), as applicable,</p> |
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| | | <p>shall submit quarterly reports to the commission. A report required under this subsection must include all of the following about each delivery to a consumer in this state during the preceding calendar quarter: (a) The name and business address of the person that ships beer, wine, or spirits. (b) The name and address of the recipient of beer, wine, or spirits. (c) The weight of beer, wine, or spirits delivered to a consignee. (d) The date of the delivery.</p> <p>(22) A third party facilitator service shall maintain the books, records, and documents supporting a report submitted under subsection (21) for 3 years unless the commission notifies the third party facilitator service in writing that the books, records, and supporting documents may be destroyed. Within 30 days after the commission's request, the third party facilitator service shall make the books, records, and documents available for inspection during normal business hours. Within 30 days after a local law enforcement agency's or local governmental unit's request, the third party facilitator service shall also make the books, records, and documents available for inspection to a local law enforcement agency or local governmental unit where the third party facilitator service resides or does business.</p> <p>(23) A report submitted under subsection (19) or (21) is subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.</p> <p>(24) As used in this section: (a) "Common carrier" means a company that transports goods, on reasonable request, on regular routes and at set rates. (b) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network. (c) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers. (d) "Computer program" means a</p> |
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| | | <p>series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network. (e) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware. (f) "Consumer" means an individual who purchases beer, wine, or spirits for personal consumption and not for resale. (g) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses. (h) "Diligent inquiry" means a diligent good faith effort to determine the age of an individual, that includes at least an examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, or any other bona fide picture identification that establishes the identity and age of the individual. (i) "Direct shipper" means a person who sells, delivers, or imports wine, to consumers in this state, that he or she produces and bottles or wine that is manufactured by a wine maker for another wine maker and that is transacted or caused to be transacted through the use of any mail order, internet, telephone, computer, device, or other electronic means, or sells directly to consumers on the winery premises. (j) "Facilitate" means, subject to subdivision (k), advertising on behalf of a retailer, by means of the internet or mobile application, and pursuant to a written or oral agreement, the brands and prices of beer, wine, or spirits products sold by a retailer and 1 or more of the following: (i) Assisting the retailer, in any manner, in the arrangement of delivery as allowed in this section. (ii) Assisting the retailer, in any manner, in the processing of payment by the consumer for the beer, wine, or spirits. (iii) Transmitting customer information to the retailer. (iv) Assisting the retailer by providing customer service. (v) If the retailer maintains supervision and control over the day-to-day operation of its business, providing other normal and customary operational services. (k) "Facilitate" does not include web designing,</p> |
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| | | <p>operating an internet search engine, or publishing an internet version of a newspaper. (l) "Identification verification service" means an internet-based service approved by the commission specializing in age and identity verification. (m) "Mobile application" means a specialized software program downloaded onto a wireless communication device. (n) "Third party facilitator service" means a person licensed by the commission to do any of the following: (i) Facilitate the sale of beer or wine to a consumer as provided in subsection (15) on behalf of a retailer that holds a specially designated merchant license located in this state. (ii) Facilitate the sale of spirits to a consumer as provided in subsection (16) on behalf of a retailer that holds a specially designated distributor license located in this state. (iii) Deliver beer or wine to a consumer as provided in subsection (15) on behalf of a retailer that holds a specially designated merchant license located in this state. (iv) Deliver spirits to a consumer as provided in subsection (16) on behalf of a retailer that holds a specially designated distributor license located in this state.</p> |
| | <p>Mich. Comp. Laws §436.1537a</p> | <p>(1) Notwithstanding anything in this act to the contrary, a qualified licensee may fill and sell qualified containers with alcoholic liquor for consumption off the premises under the following conditions: (a) The qualified licensee or his or her agent or employee does not fill the qualified container in advance of the sale. (b) The qualified licensee complies with all applicable rules promulgated by the commission. (c) The qualified licensee or his or her agent seals the qualified container.</p> <p>(2) Notwithstanding anything in this act to the contrary, a qualified licensee may deliver alcoholic liquor to a consumer in this state if all of the following conditions are met: (a) The qualified licensee complies with all laws of this state, including, but not limited to, the prohibition on sales to minors. (b) The qualified licensee stamps, prints, or labels on the outside of the qualified container "Contains Alcohol. Must be delivered to a person 21 years of age or older." The recipient at the time of the delivery shall provide identification verifying his or her age. (c) The qualified licensee or his or her agent seals the qualified container. (d) If the qualified licensee is a retailer,</p> |

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| | | <p>the alcoholic liquor is delivered by the qualified licensee's employee or a third party facilitator service, as that term is defined in section 203. (e) If the qualified licensee is a manufacturer, the alcoholic liquor is delivered by the qualified licensee's employee.</p> <p>(3) Except as otherwise allowed under this act, a qualified licensee shall not sell alcoholic liquor in its original package under this section.</p> <p>(4) This section does not apply after Dec. 31, 2025.</p> <p>(5) As used in this section: (a) "Consumer" means that term as defined in §203. (b) "Qualified container" means a clean, sealable container that is for the sale of alcoholic liquor for consumption off the premises, that has a liquid capacity that does not exceed 1 gallon, and that, after it is filled, is sealed with a device or material that is used to fully close off the container securely with no perforations or straw holes. (c) "Qualified licensee" means any of the following: (i) A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (ii) A manufacturer with an on-premises tasting room permit issued under §536. (iii) A manufacturer that holds an off-premises tasting room license issued under §536. (iv) A manufacturer that holds a joint off-premises tasting room license issued under §536.</p> |
| Missouri | Mo. Rev. Stat. §311.300 | <p>2. In any place of business licensed in accordance with §311.200 [retail liquor dealers], persons at least 18 years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of 21 years. Any licensee who employs any person under the age of 21 years, as authorized by this subsection, shall, when at least 50% of the licensee's gross sales does not consist of nonalcoholic sales, have an employee 21 years of age or older on the licensed premises during all hours of operation.</p> |
| Nebraska | Neb. Rev. Stat. §53-123.15 | <p>(5) The commission may issue a shipping license to any retailer who is licensed within or outside Nebraska, who is authorized to sell</p> |

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| | | <p>alcoholic liquor at retail in the state of domicile of the retailer, and who is not a manufacturer if such retailer satisfies the requirements of subsections (7) through (9) of this section to ship alcoholic liquor from another state directly to a consumer in this state. A retailer who receives a license pursuant to this subsection shall pay the fee required in §§53-124 and 53-124.01 for a retail direct sales shipping license. Such fee shall be collected by the commission and remitted to the state treasurer for credit to the Winery and Grape Producers Promotional Fund.</p> <p>(7) The application for a shipping license under subsection (4) or (5) of this section shall be in such form as the commission prescribes. The application shall require an applicant which is a manufacturer, a craft brewery, a craft distillery, or a farm winery to identify the brands of alcoholic liquor that the applicant is requesting the authority to ship either into or within Nebraska. For all applicants, unless otherwise provided in this section, the application shall contain all provisions the commission deems proper and necessary to effectuate the purpose of any section of the act and the rules and regulations of the commission that apply to manufacturers or retailers and shall include, but not be limited to, provisions that the applicant, in consideration of the issuance of such shipping license, agrees: (a) To comply with and be bound by §§53-162 and 53-164.01 in making and filing reports, paying taxes, penalties, and interest, and keeping records; (b) To permit and be subject to all of the powers granted by §53-164.01 to the commission or its duly authorized employees or agents for inspection and examination of the applicant's premises and records and to pay the actual expenses, excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the commission if within the United States; (c) That if the applicant violates any of the provisions of the application or the license, any section of the act, or any of the rules and regulations of the commission that apply to manufacturers or retailers, the commission may suspend, cancel, or revoke such shipping license</p> |
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| | | <p>for such period of time as it may determine; (d) That the applicant agrees to notify the commission of any violations in the state in which he or she is domiciled and any violations of the direct shipping laws of any other states. Failure to notify the commission within 30 days after such a violation may result in a hearing before the commission pursuant to which the license may be suspended, canceled, or revoked; and (e) That the applicant, if a manufacturer, craft brewery, craft distillery, or farm winery, agrees to notify any wholesaler licensed in Nebraska that has been authorized to distribute such brands that the application has been filed for a shipping license. The notice shall be in writing and in a form prescribed by the commission. The commission may adopt and promulgate rules and regulations as it reasonably deems necessary to implement this subdivision, including rules and regulations that permit the holder of a shipping license under this subdivision to amend the shipping license by, among other things, adding or deleting any brands of alcoholic liquor identified in the shipping license.</p> <p>(8) Any manufacturer or retailer who is granted a shipping license under subsection (4) or (5) of this section shall: (a) Only ship the brands of alcoholic liquor identified on the application; (b) Only ship alcoholic liquor that is owned by the holder of the shipping license; (c) Only ship alcoholic liquor that is properly registered with the Alcohol and Tobacco Tax and Trade Bureau of the U.S. Department of the Treasury; (d) Not ship any alcoholic liquor products that the manufacturers or wholesalers licensed in Nebraska have voluntarily agreed not to bring into Nebraska at the request of the commission; (e) Not ship more than 9 liters of alcoholic liquor per month to any person in Nebraska to whom alcoholic beverages may be lawfully sold. All such sales and shipments shall be for personal consumption only and not for resale; and (f) Cause the direct shipment of alcoholic liquor to be by approved common carrier only. The commission shall adopt and promulgate rules and regulations pursuant to which common carriers may apply for approval to provide common carriage of alcoholic liquor shipped by a holder of a shipping license issued</p> |
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| | | <p>pursuant to subsection (4) or (5) of this section. The rules and regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he or she is at least twenty-one years of age, (ii) the recipient to sign an electronic or paper form or other acknowledgment of receipt as approved by the commission, and (iii) the commission-approved common carrier to submit to the commission such information as the commission may prescribe. The commission-approved common carrier shall refuse delivery when the proposed recipient appears to be under the age of 21 years and refuses to present valid identification. All holders of shipping licenses shipping alcoholic liquor pursuant to this subdivision shall affix a conspicuous notice in 16-point type or larger to the outside of each package of alcoholic liquor shipped within or into the State of Nebraska, in a conspicuous location, stating: CONTAINS ALCOHOLIC BEVERAGES; SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY. Any delivery of alcoholic beverages to a minor by a common carrier shall constitute a violation by the common carrier. The common carrier and the holder of the shipping license shall be liable only for their independent acts.</p> <p>(9) For purposes of §§53-160, 77-2703, and 77-27,142, each shipment of alcoholic liquor by the holder of a shipping license under subsection (3), (4), or (5) of this section shall constitute a sale in Nebraska by establishing a nexus in the state. The holder of the shipping license shall collect all the taxes due to the state of Nebraska and any political subdivision and remit any excise taxes monthly to the commission and any sales taxes to the Department of Revenue.</p> |
| New Hampshire | N.H. Rev. Stat. Ann. §178:27 | <p>I. (a) Notwithstanding any other provision of law to the contrary, any person currently licensed in its state of domicile as a wine manufacturer, beverage manufacturer, importer, wholesaler, or retailer shall apply for a direct shipper permit from the commission. (b) Applicants for a direct shipper permit shall be exempt from the provision of RSA 178:1, I requiring registration with the secretary of state, if the applicant is duly organized and registered to do business under the laws of the state in which the applicant is</p> |

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| | | <p>domiciled.</p> <p>II. A direct shipper may ship directly to New Hampshire consumers over 21 years of age or licensees in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments from direct shippers into the state shall be made by a licensed carrier and such carriers are required to obtain an adult signature. Direct shippers or carriers shall not ship into areas of the state where alcohol beverages may not be lawfully sold. Liquor and wine that has been registered for sale to the commission with the commission during the previous two months may be direct shipped only if the shipper offers to sell a matching amount to the commission at wholesale. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.</p> <p>III. Except with written permission of the commission, no direct shipper shall ship more than 60 individual containers of not more than one liter each of liquor and not more than 12 nine-liter cases or equivalent of wine to any one consumer in New Hampshire in any calendar year. The commission shall only grant permission for additional shipments if the additional shipments are of products not otherwise available in New Hampshire. Furthermore, in the event any direct shipper wishes to ship more than a total of 600 liters of any particular liquor or wine directly to any combination of licensees and/or consumers in New Hampshire, the shipper shall offer to sell a matching amount to the commission or beer distributor at the lower of the wholesale price or the lowest price delivered into New Hampshire. A licensee may purchase from a direct shipper pursuant to RSA 179:32, III.</p> <p>IV. No direct shipper shall ship more than 27 gallons of beer or beverage in individual containers of not more than one liter to any consumer's address in New Hampshire in any calendar year. No direct shipper shall ship beer or beverage to a New Hampshire licensee.</p> <p>V. (a) Direct shippers shall file reports for each shipment with the liquor commission, and shall pay a fee of 8% of the retail price for shipments of liquor, wine, beer, or beverage to the commission.</p> |
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| | | <p>Such reports shall be filed once per month for any month in which a shipment was made in a manner and form required by the commission and include the following information: (1) The total amount of alcoholic beverages shipped into or within the state for the preceding month. (2) The names and addresses of the purchasers to whom the alcoholic beverages were shipped. (3) The date of purchase, if appropriate, the name of the common carrier used to make each delivery, and the quantity and retail value of each shipment. (b) The commission may assess a \$250 penalty for failure to report to the commission in a timely manner. (c) Direct shippers shall maintain records for at least three years which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of the direct shippers' filings upon reasonable request. Wholesale shipments of any liquor or wine shall be permitted only in accordance with RSA 175:6.</p> <p>VI. The liquor commission shall adopt rules, pursuant to RSA 541-A, relative to: (a) The application procedures and form for the direct shipper permit authorized under paragraph I. (b) The signature form or other identification procedures to be used by direct shippers to ensure that consumers to which liquor and beverage are being shipped are over 21 years of age. (c) Filings of direct shippers under paragraph V.</p> <p>VII. Notwithstanding the provisions of RSA 179:58, any person holding a direct shippers permit under this section who ships liquor, wine, or beer to a person under 21 years of age, shall be guilty of a class B felony and shall have such permit permanently revoked.</p> <p>VIII. Upon notification by authorities in another state which imposes a reciprocal enforcement policy, a New Hampshire licensee proved to be making illegal direct shipments to consumers and licensees in said state shall be subject to action by the liquor commission. Such actions may include fines and suspension and revocation of New Hampshire liquor licenses.</p> |
| New Jersey | 2020 Chapter 33 | 1. As used in this act: "Retail consumption license or permit" means a plenary retail consumption license, plenary retail consumption |

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| | | <p>license used in connection with a hotel or motel, or seasonal retail consumption license issued pursuant to R.S.33:1-12, or concessionaire permit issued pursuant to Title 33 of the Revised Statutes that authorizes the sale of all alcoholic beverages for consumption on the licensed premises. "State of emergency" means the state of emergency declared by the Governor pursuant to Executive Order No. 103 of 2020 in response to the COVID-19 pandemic.</p> <p>2. a. Notwithstanding the provisions of R.S.33:1-12 or any other law to the contrary, during the period this section remains in effect the holder of a retail consumption license or permit shall be entitled to: (1) sell on the licensed premises for consumption off the licensed premises any alcoholic beverages in original containers or in any other closed and sealed containers or any distilled alcoholic beverages mixed or blended with other alcoholic or nonalcoholic beverages in closed and sealed containers; and (2) deliver, by common carrier or otherwise, to the residence of a consumer within this state who is 21 years of age or older for consumption off the licensed premises any alcoholic beverages in original containers or in any other closed and sealed containers or any distilled alcoholic beverages mixed or blended with other alcoholic or nonalcoholic beverages in closed and sealed containers. b. Containers in which alcoholic beverages are sold or delivered pursuant to this section shall be affixed with a tamper evident seal and may be of any size, except that containers, other than original containers, in which any distilled alcoholic beverages mixed or blended with other alcoholic beverages are sold or delivered pursuant to this section shall have a maximum capacity of 16 fluid ounces.</p> |
| New Mexico | N.M. Stat. Ann. §60-7A-3 | <p>E. An individual or licensee, except for a person holding a winery license, in a state that affords New Mexico licensees or individuals an equal reciprocal shipping privilege may ship for personal use and not for resale not more than 2 cases of wine, each case containing no more than 9 liters, per month to an individual not a minor in this state. Delivery of a shipment pursuant to this subsection shall not be deemed to constitute a sale in this state and nothing in the Liquor Control Act limits or applies to such shipments. The</p> |

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| | | <p>shipping container of wine sent into or out of this state under this subsection shall be labeled clearly to indicate that the package cannot be delivered to a minor or to an intoxicated person.</p> <p>F. The holder of a direct wine shipment permit issued pursuant to §60-6A-11.1 NMSA 1978 may ship no more than 2 9-liter cases of wine per month to a person living in New Mexico who is 21 years of age or older for the person's personal consumption and not for resale.</p> |
| New York | N.Y. Alcoholic Beverage Control Law §53a | <p>In cities having a population of 1 million or more, any individual person may apply for a license to sell beer as a vendor. Such application shall be in writing, and verified, and shall contain such information as the liquor authority shall require. Such application shall be accompanied by a check or draft for the amount required by this article for such license. If the liquor authority shall grant the application it shall issue a license in such form as shall be determined by its rules. Such a license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell beer as a vendor in cities having a population of 1 million or more only, from the premises therein specifically licensed. A vendor's license shall authorize the holder thereof to sell beer at retail to be delivered by such vendor to a person for consumption in his home and shall authorize the holder thereof to operate 1 vehicle for the delivery of beer, but shall not authorize the sale to any person or licensee for resale.</p> |
| | N.Y. Alcoholic Beverage Control Law §104-a | <p>3. No vendor for off-premises consumption shall sell or deliver to any person beer in excess of 5 gallons at one and at the same time.</p> |
| | N.Y. Alcoholic Beverage Control Law §105 | <p>8. No retail licensee, for off-premises consumption, shall transport liquors or wines in any vehicle owned and operated or hired and operated by such retail licensee, for off-premises consumption, except liquors and wines transported to the home of a purchaser not to be resold by the purchaser, unless there shall be attached to or inscribed upon both sides of such vehicle a sign, showing the name and address of the licensee together with the following inscription, "New York State Retail Liquor or Wine Store License No.</p> |

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| | | <p>.....," as the case may be, in uniform letters not less than 3.5 inches in height, except deliveries may be made in passenger type vehicles owned by the licensee and operated by the licensee or his agent, or hired by the licensee and operated by the licensee or his agent, provided the person making the delivery shall have upon his person while so delivering a photostatic copy of the current license issued by the authority. In lieu of such sign, a retail licensee may have in the cab of such vehicle a photostatic copy of its current license issued by the authority, and such copy duly authenticated by the authority.</p> <p>9. No retail licensee for off-premises consumption shall deliver any liquors or wines except in vehicles owned and operated by such licensee, or hired and operated by such licensee from a trucking or transportation company registered with the liquor authority, and shall only make such deliveries at the premises of the purchaser.</p> |
| | <p>N.Y. Alcoholic Beverage Control Law §116</p> | <p>No alcoholic beverage shall be transported within this state by any vehicle unless such vehicle is owned and operated, or hired and operated by a licensee and unless there shall be attached to or inscribed upon both sides of such vehicle so as to be visible from a reasonable distance, a sign setting forth the name and address of such licensee in such form and with such additional information as the liquor authority may prescribe; provided, however, (a) that alcoholic beverages may be transported by a retail licensee to the home of a purchaser not to be resold by the purchaser; (b) that alcoholic beverages owned by a person may be transported from place to place not for purposes of sale; (c) that alcoholic beverages may be delivered from a licensee to a steamship or railroad station or terminal for purposes of transportation, and may be delivered from a steamship or railroad station or terminal to a purchaser for purposes of consumption, or to a licensee by any bona fide trucking agency holding a permit under this chapter. In lieu of such sign, a licensee may have in the cab of such vehicle a photostatic copy of its current license issued by the authority, and such copy duly authenticated by the authority.</p> |
| <p>North Carolina</p> | <p>N.C. Gen. Stat. §18B-102.1</p> | <p>(a) It is unlawful for any person who is an out-of-state retail or</p> |

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| | | <p>wholesale dealer in the business of selling alcoholic beverages to ship or cause to be shipped any alcoholic beverage directly to any North Carolina resident who does not hold a valid wholesaler's permit under Article 11 of this Chapter.</p> <p>(b) The Commission shall mail a notice by certified mail ordering a person who violates the provisions of subsection (a) of this section to cease and desist any shipments of alcoholic beverages to North Carolina residents. If the offender cannot produce a receipt or otherwise show that applicable state taxes have been paid on the shipped alcohol within 30 days after this notice has been deposited by certified mail addressed to the out-of-state retail or wholesale dealer either at the address shown on the shipment or the last known address of that dealer in any legal registry, such as a registry with the secretary of state for incorporation of a business, or within 30 days after personal service of the notice on the out-of-state retail or wholesale dealer, it shall be presumptive evidence of his intent to ship alcoholic beverages directly to a North Carolina resident who does not hold a valid wholesaler's permit issued by the Commission.</p> <p>(c) This section shall not apply to producers of beverage alcohol holding a basic permit from the Bureau of Alcohol, Tobacco and Firearms.</p> <p>(d) Upon determination by the Commission that a holder of a basic permit from the Bureau of Alcohol, Tobacco and Firearms has made an illegal shipment to consumers in North Carolina, the Commission shall notify the Bureau of Alcohol, Tobacco and Firearms in writing and by certified mail and request the Bureau to take appropriate action.</p> <p>(e) Whoever violates the provisions of this section shall be guilty of a Class I felony and shall pay a fine of not more than \$10,000.</p> |
| | N.C. Gen. Stat. §18B-1001.4 | <p>(a) Authorization. - The holder of a delivery service permit, or the permit holder's employee or independent contractor, may deliver malt beverages, unfortified wine, or fortified wine on behalf of a retailer holding a permit issued pursuant to subdivisions (1) through (6) and (16) of G.S. 18B-1001 to a location designated by the purchaser. A delivery service permittee may also facilitate delivery through technology services that connect consumers and licensed</p> |

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| | | <p>retailers through the use of the internet, mobile applications, and other similar technology.</p> <p>(b) Training and Payment. - Prior to making any deliveries, each individual delivering alcoholic beverages pursuant to a delivery service permit shall successfully complete a course approved by the Commission related to the delivery of alcoholic beverages. Upon receipt of a proposed training program from a holder of a delivery service permit, the Commission shall have 15 business days to approve, deny, or request modifications to the proposed training program. An individual delivering alcoholic beverages pursuant to a delivery service permit shall not handle or possess funds used to purchase an alcoholic beverage that is to be delivered, but may facilitate the sales transaction in a manner that does not involve taking possession of funds.</p> <p>(c) Age of Recipient and Notice. - An individual may only deliver alcoholic beverages pursuant to a delivery service permit to an individual who is at least 21 years of age and who immediately takes actual possession of the alcoholic beverages purchased. A delivery of alcoholic beverages in a package that obscures the manufacturer's original packaging shall have affixed to the outside of the package a notice in 26-point type or larger stating: "CONTAINS ALCOHOLIC BEVERAGES; AGE VERIFICATION REQUIRED."</p> <p>(d) Limitations. - A delivery service permittee shall deliver alcoholic beverages only within the time allowed for lawful sales and consumption in the jurisdiction where the delivery is located. No delivery shall be made to any jurisdiction within the state that has not authorized the sale of the purchased alcoholic beverages. A delivery service permittee shall not deliver alcoholic beverages to the premises of another licensed retailer or more than 50 miles from the retailer's licensed premises. Only alcoholic beverages purchased for personal consumption and from a licensed retailer's existing inventory located on the retailer's premises may be delivered pursuant to a delivery service permit.</p> <p>(e) Scope and Construction. - A delivery service permit is not required for a common carrier lawfully transporting or shipping</p> |
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| | | <p>alcoholic beverages. Nothing in this section shall be construed as exempting the delivery of alcoholic beverages pursuant to a delivery service permit from the requirements set forth in Article 4 of Chapter 18B of the General Statutes. Nothing in this section shall be construed to require a technology services company to obtain a delivery service permit if the company does not employ or contract with delivery drivers, but rather provides software or an application that connects consumers and licensed retailers for the delivery of alcoholic beverages from the licensed retailer.</p> <p>(f) Penalties for Violations in Residence Halls. – Notwithstanding G.S. 18B-104, if a delivery service permittee commits a violation of this Chapter when delivering to a residence hall located on the premises of an institution of higher education the delivery service permittee shall be subject to a fine of up to \$1,000 for the first violation, up to \$1,500 for a second violation within three years of the first violation, and up to \$2,000 for a third or subsequent violation within three years of the first violation. In any case in which there are two or more violations within three years by a delivery service permittee when delivering to a residence hall on the premises of an institution of higher education in which the Commission is entitled to suspend or revoke a permit, the Commission may accept from the permittee an offer in compromise to pay a penalty of not more than \$10,000. The Commission may either accept a compromise or revoke a permit, but not both. The Commission may accept a compromise and suspend the permit in the same case.</p> |
| North Dakota | N.D. Cent. Code §5-01-16 | <ol style="list-style-type: none"> 1. A person in the business of selling alcoholic beverages may not knowingly or intentionally ship, or cause to be shipped, any alcoholic beverage from an out-of-state location directly to a person in this state who is not a licensed wholesaler in this state. 2. A person in the business of transporting goods may not knowingly or intentionally transport, or cause to be transported, any alcoholic beverage directly to a person in this state who is not a licensed wholesaler in this state. 3. For a first violation of subsection 1 or 2, the tax commissioner shall notify, by certified mail, the person and order that person to cease and desist any shipment of alcoholic beverages in violation of |

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| | | <p>subsection 1 or 2 and shall assess a civil penalty of \$100 for each illegal shipment. For a second violation of subsection 1 or 2, the tax commissioner shall assess a civil penalty of \$200 for each illegal shipment. For any subsequent violation of subsection 1 or 2, the tax commissioner shall assess a civil penalty of \$500 for each illegal shipment.</p> <p>4. The alcoholic beverage transported in violation of this section and the vehicle used in violation of this section are forfeitable property under chapter 29-31.1.</p> <p>5. This section does not apply to a transaction by a person holding a valid manufacturer's or retailer's license issued by the state of its domicile and if the person obtains a direct shipping license from and on a form prescribed by the tax commissioner before making a shipment. The annual fee for a direct shipping license is \$50. Licensed direct shippers may sell and ship to an individual 21 years of age or older 7.13 gallons [27 liters] or less of wine, 288 fluid ounces [8517.18 milliliters] or less of beer, or 2.38 gallons [9 liters] or less of any other alcoholic beverages per month for personal use and not for resale. a. A direct shipper shall ship all containers of alcoholic beverages shipped directly to a resident of this state using a licensed alcohol carrier and may cause the alcoholic beverages to be shipped by a licensed logistics company. b. A direct shipper shall label all containers of alcoholic beverages shipped directly to an individual in this state with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". c. A licensed direct shipper shall report and pay the wholesaler excise tax and retailer sales taxes to the tax commissioner on all alcoholic beverages sold to residents in this state at the rates set forth in §§5-03-07 and 57-39.6-02. The excise tax reports are due Jan. 15th of the year following the year sales and shipments were made. When the 15th day of January falls on a Saturday, Sunday, or legal holiday, the due date is the first working day thereafter. The report must provide such detail and be in format as prescribed by the tax commissioner and include the identification of any logistics or fulfillment houses the licensee used for such shipments. The sales and use tax reports are due as set forth in chapter 57-39.6. The</p> |
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| | | <p>sales and use tax reports must be in a format as prescribed by the tax commissioner. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner. d. All alcoholic beverages that are shipped directly to a resident of this state must be properly registered with the federal alcohol and tobacco tax and trade bureau and must be owned by the licensed direct shipper.</p> <p>6. A licensed alcohol carrier may ship alcoholic beverages into, out of, or within this state. A licensed alcohol carrier shall pay an annual fee of one hundred dollars and obtain a license on an application form provided by the tax commissioner and subject to any requirements determined by the tax commissioner. a. A licensed alcohol carrier shall ensure all containers of alcoholic beverages shipped directly to an individual in this state are labeled with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY." A licensed alcohol carrier may not deliver alcoholic beverages to a person under twenty-one years of age, or to a person who is or appears to be in an intoxicated state or condition. A licensed alcohol carrier shall obtain valid proof of identity and age before delivery and shall obtain the signature of an adult as a condition of delivery. b. A licensed alcohol carrier shall maintain records of alcoholic beverages shipped into, out of, or within this state which include the name of the licensed direct shipper, the name of any licensed logistics shipper, the date of each shipment, the recipient's name and address, and an electronic or paper form of signature from the recipient of the alcoholic beverages. A licensed alcohol carrier shall submit a report to the tax commissioner on a monthly basis in the form and format prescribed by the tax commissioner. The report is due on the last day of the month following the month of shipment. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the due date. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner. c. If the tax commissioner has provided notice to a licensed alcohol carrier that a direct shipper is not licensed, the licensed alcohol carrier must notify the direct shipper that the</p> |
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| | | <p>direct shipper must obtain a direct shipper permit before tendering packages to the licensed alcohol carrier for delivery. Any assessed penalty may be waived by the tax commissioner for good cause upon request by the licensed alcohol carrier.</p> <p>7. Licensed logistics shippers must obtain a logistics shipping license from the tax commissioner and shall pay an annual fee of one hundred dollars before making or causing a shipment. a. A licensed logistics shipper shall ensure all containers of alcoholic beverages shipped directly to an individual in this state are labeled with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY." b. All containers of alcoholic beverage shipped directly to a resident of this state must be shipped using a licensed alcohol carrier as provided in subsection 6. c. A licensed logistics shipper shall maintain records of alcoholic beverages shipped which include the license number and name of the licensed direct shipper, the license number and name of the licensed common carrier, the date of each shipment, the quantity and kind of alcohol shipped, and the recipient's name and address for each shipment. A licensed logistics shipper shall submit a report to the tax commissioner on a monthly basis in the form and format prescribed by the tax commissioner. The report is due on the last day of the month following the month of shipment. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the due date. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner. d. Licensed logistics shippers may not ship alcoholic beverages from unlicensed direct shippers or through unlicensed carriers. For a violation, a licensed logistics shipper is subject to the penalties in subsection 3.</p> <p>8. The tax commissioner may initiate and maintain an action in a court of competent jurisdiction to enjoin a violation of this section and may request award of all costs and attorney's fees incurred by the state incidental to that action. Upon determination by the tax commissioner that an illegal sale or shipment of alcoholic beverages has been made to a consumer in this state by any person, the tax commissioner may notify both the alcohol and tobacco tax and</p> |
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| | | trade bureau of the U.S. Department of the Treasury and the licensing authority for the state in which the person is domiciled that a state law pertaining to the regulation of alcoholic beverages has been violated and may request those agencies to take appropriate action. |
| Oklahoma | Okla. Stat. tit. 37A, §2-161 | <p>A. Retail spirit licensees may sell curbside and deliver alcoholic beverages including beer, wine, and spirits in sealed original containers to consumers aged 21 years and older as follows: 1. Only employees of the retail spirit licensee shall be permitted to make alcoholic beverage product deliveries to consumers; 2. Payment for alcoholic beverage product delivery by the retail spirit licensee may be made by cash, check, transportable credit/debit card processors or advance on-line payment methods; and 3. The retail spirit licensee shall be responsible for his or her delivery employees as provided in §2-133 of Title 37A of the Oklahoma Statutes.</p> <p>B. Small brewers and small farm wineries licensed by the Oklahoma ABLE Commission may sell curbside only alcoholic beverages produced by such licensee in sealed original containers to consumers aged 21 years and older as follows: 1. Only employees of the licensed small brewer or small farm winery shall be permitted to make alcoholic beverage product deliveries to consumers; 2. Payment for alcoholic beverage product delivery by licensed small brewers or small farm wineries may be made by cash, check, transportable credit/debit card processors, or advance on-line payment methods; and 3. Small brewers and small farm wineries shall be responsible for their delivery employees as provided in §2-133 of Title 37A of the Oklahoma Statutes.</p> <p>C. Restaurants, bars and clubs holding mixed beverage, beer and wine, or caterer/mixed beverage licenses issued by the Oklahoma ABLE Commission may sell curbside and deliver only closed packages of beer and wine to consumers aged 21 years and older as follows: 1. Only employees of such restaurant, bar or club licensee shall be permitted to make alcoholic beverage package deliveries to consumers; 2. Payment for alcoholic beverage package delivery by licensed restaurants, bars and clubs may be made by cash, check, transportable credit/debit card processors, or advance on-line</p> |

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| | | <p>payment methods; and 3. Restaurants, bars and clubs licensed by the Oklahoma ABLE Commission shall be responsible for their delivery employees as provided in §2-133 of Title 37A of the Oklahoma Statutes.</p> <p>D. Grocery and convenience stores holding a retail beer and/or retail wine license issued by the Oklahoma ABLE Commission may sell curbside and deliver original sealed containers of beer and/or wine only according to the license held to consumers aged 21 years and older as follows: 1. Only employees of such licensed grocery or convenience store shall be permitted to make alcoholic beverage product deliveries to consumers; 2. Payment for alcoholic beverage product delivery by a licensed grocery or convenience store may be made by cash, check, transportable credit/debit card processors or advance on-line payment methods; and 3. Grocery and convenience store licensees shall be responsible for their delivery employees as provided in §2-133 of Title 37A of the Oklahoma Statutes.</p> <p>E. Licensees authorized by this section to make alcoholic beverage product deliveries to consumers are prohibited from utilizing third party vendors or delivery services for purposes of completing such product deliveries to consumers.</p> <p>F. Licensees authorized by this section to make alcoholic beverage product deliveries to consumers shall comply with the laws, rules, procedures and executive orders incumbent on such licensee.</p> <p>G. The Oklahoma ABLE Commission is authorized to promulgate rules, regulations, forms and procedures necessary to implement and enforce the provisions of this section.</p> <p>H. For purposes of this section each delivery authorized by a licensee to be made by his or her employee shall be deemed a direct hand-to-hand sale as though the consumer was physically present on the licensed premises and authorized by law by such licensee.</p> |
| Oregon | Or. Rev. Stat. §471.186 Malt beverages, wine or cider; requires off-premises sales license | (6) The holder of an off-premises sales license may deliver malt beverages, wine or cider that is sold under the privileges of the license to retail customers in this state without a direct shipper permit issued under ORS 471.282. Any deliveries by the holder of an off-premises sales license are subject to any rules adopted by the commission relating to deliveries made under this subsection. |

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| | | <p>Deliveries under this subsection: (a) May be made only to a person who is at least 21 years of age; (b) May be made only for personal use and not for the purpose of resale; and (c) Must be made in containers that are conspicuously labeled with the words: "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 YEARS OR OLDER REQUIRED FOR DELIVERY."</p> <p>(7) The holder of an off-premises sales license that makes deliveries of malt beverages, wine or cider under subsection (6) of this section must take all actions necessary to ensure that a carrier used by the licensee does not deliver any malt beverages, wine or cider unless the carrier: (a) Obtains the signature of the recipient of the malt beverages, wine or cider upon delivery; (b) Verifies by inspecting government-issued photo identification that the recipient is at least 21 years of age; and (c) Determines that the recipient is not visibly intoxicated at the time of delivery.</p> <p>(8) Any person who knowingly or negligently delivers malt beverages, wine or cider under the provisions of this section to a person under 21 years of age, or who knowingly or negligently delivers malt beverages, wine or cider under the provisions of this section to a visibly intoxicated person, violates ORS 471.410.</p> <p>(9) If a court determines that deliveries of malt beverages, wine or cider under subsection (6) of this section cannot be restricted to holders of off-premises sales licenses, and the decision is a final judgment that is no longer subject to appeal, the holder of an off-premises sales license may not make deliveries of malt beverages, wine or cider under the provisions of subsection (6) of this section after entry of the final judgment.</p> |
| Tennessee | Tenn. Code Ann. §57-3-224 | <p>(a) (1) There is created a delivery service license to be issued by the commission to any delivery service that delivers or facilitates delivery of prepared food from restaurants or items from a retail store to customers as part of the delivery service's business and seeks to deliver sealed packages of alcoholic beverages or beer or both sold by any retailer licensed under this chapter, or an off-premises retail permittee licensed under §57-5-103 as part of such delivery service. If a delivery service licensed under this section is delivering alcoholic beverages or beer purchased from a retailer in</p> |

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| | | <p>accordance with this subsection (a), the delivery service shall not deliver the alcoholic beverages or beer to a customer who resides or is located at the time of the delivery: (A) More than 50 miles from the licensed premises of the retailer at which the alcoholic beverages or beer were purchased; or (B) In any county other than the county in which such retailer is located or a county contiguous to such county. (2) A delivery service includes, for purposes of this title, a technology services company that provides software or an application for connecting customers, retailers, or restaurants to a delivery driver. A delivery service does not include, and no license is required under this title to operate, a technology services company that does not employ or contract with delivery drivers but rather provides software or an application that connects retail licensees with consumers for the delivery of alcoholic beverages or beer from the retailer pursuant to §57-3-406(j) or a company that ships wine pursuant to §57-3-217. This section does not apply to a “motor carrier” or “freight forwarder” as those terms are defined in 49 U.S.C. §13102, or to an “air carrier” as that term is defined in 49 U.S.C. §40102.</p> <p>(b) (1) Any person, partnership, limited liability company, or corporation desiring to deliver sealed packages of alcoholic beverages or beer sold by a retailer licensed under §57-3-204 or an off-premise retail permittee licensed under §57-5-103 as part of such delivery service shall make application to the commission for a delivery service license, which application shall be in writing and verified, on forms herein authorized to be prescribed and furnished; and the commission shall, subject to the restrictions of this section, issue such license. (2) (A) Any person applying for a delivery service license shall be 21 years of age or older and must not have been convicted of a felony as described in §57-3-210(c). (B) The commission may issue a delivery service license to any person, partnership, limited liability company, or corporation that is registered to do business in this state regardless of the residence of the ownership of such entity.</p> <p>(c) Each applicant for a delivery service license shall pay to the commission a one-time, nonrefundable fee in the amount of \$300</p> |
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| | | <p>when the application is submitted for review. A delivery service license shall not be issued by the commission until the applicant pays the annual license fee of \$150.</p> <p>(d) Each delivery service licensee shall conduct, or have a third party conduct, a local and national criminal background check on any potential employee or independent contractor that seeks to be licensed pursuant to §57-3-225. Such background check shall include a multistate criminal records locator or other similar commercial nationwide database with validation.</p> <p>(e) It is the duty of each delivery service licensee to ensure that each employee or independent contractor, delivering alcoholic beverages or beer pursuant to §57-3-406(k) for the licensee, is licensed pursuant to §57-3-225.</p> <p>(f) A delivery service may use either employees or independent contractors as part of such delivery service. Any person delivering products for a delivery service shall comply with the provisions contained in §57-3-225 related to delivery drivers in order to deliver alcoholic beverages or beer or both as provided in this section.</p> |
| | Tenn. Code Ann. §57-3-225 | <p>(a) Beginning July 1, 2018, each delivery service licensed under §57-3-224 shall be required to annually file a report stating the number of delivery drivers used by the delivery service to deliver alcoholic beverages, beer, or both, in the 12 months preceding the date of the report. Each delivery service licensee shall maintain for each delivery driver covered by the licensee's delivery service license, records sufficient to verify the identity of each delivery driver, a copy of each delivery driver's license, and a copy of the background check conducted for that delivery driver pursuant to §57-3-224(d).</p> <p>(b) Each delivery service licensee may employ or contract with any person meeting the following requirements: (1) Is at least 21 years of age; (2) Has had a background check conducted pursuant to §57-3-224(d) to ensure the individual has not been convicted of any crime involving the sale and distribution of alcohol within the previous 7 years or has not been convicted of any felony within the previous 5 years; and (3) Has a valid driver license.</p> <p>(c) In addition to the annual license fee in §57-3-224(c), a delivery service licensee shall pay a fee based on the total number of</p> |

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| | | <p>delivery service employees or independent contractors used by the delivery service licensee in the prior year. The fee shall be as follows: (1) 0-15 delivery drivers — \$50; (2) 16-30 delivery drivers — \$100; (3) 31-45 delivery drivers — \$150; (4) 46-60 delivery drivers — \$200; (5) 61-100 delivery drivers — \$250; (6) 101-150 delivery drivers — \$300; (7) 151-200 delivery drivers — \$350; (8) \$50 for each additional 50 delivery drivers over 200 until a maximum of \$1,000.</p> <p>(d) With respect to the delivery of alcoholic beverages, beer, or both pursuant to this chapter, a delivery service company may be subject to fines or the suspension or revocation of its license from the commission based on the conduct of a delivery driver. A retailer is not subject to a fine or the suspension or revocation of its license based on conduct of a delivery service driver after the driver picks up alcoholic beverages or beer from the retailer.</p> |
| | Tenn. Code Ann. §57-3-406 | <p>(k) (1) Except as otherwise provided in subdivision (k)(3), notwithstanding any law or rule to the contrary, a delivery service that delivers prepared food from restaurants or food from a retailer to customers as part of the delivery service's business is authorized to deliver sealed packages of alcoholic beverages or beer or both sold by a retailer licensed under §57-3-204 to the delivery service's customers and to deliver sealed packages of beer sold by an off-premise retail permittee licensed under §57-5-103 to the delivery service's customers during the hours that these products may legally be sold if: (A) The amount of alcoholic beverages or beer delivered to a customer is in such an amount to satisfy the customer's order; provided, however, if an amount ordered exceeds 2 gallons, then the delivery driver shall have available for inspection by a commission representative or other law enforcement official, a copy of the customer's order indicating the: (i) Name of the customer and the name of the recipient of the alcoholic beverages or beer; (ii) Address where the alcoholic beverages or beer is to be delivered; and (iii) Amount of the alcoholic beverages or beer to be delivered; (B) At least 50% of the delivery service's gross sales come from the delivery of food products or prepared food; (C) Any delivery service employee who delivers alcoholic beverages or beer</p> |

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| | | <p>is 21 years of age or older and is licensed pursuant to §57-3-225; (D) The delivery service is licensed pursuant to §57-3-224; (E) The delivery service has a written agreement with the retailer or permittee to deliver the retailer's or permittee's alcoholic beverages or beer to customers; (F) Any delivery service employee, who delivers alcoholic beverages or beer, requires the customer to show a valid, government-issued document, such as a driver license or other form of identification deemed acceptable to the employee that includes the photograph and birth date of the customer before the customer is allowed possession of the alcoholic beverages or beer; and (G) Any delivery made by a delivery service is made only to the physical address indicated by the individual placing the delivery order. The delivery must be documented by a verification of the delivery signed by the recipient.</p> <p>(2) A delivery service described in subdivision (k)(1) shall not be prohibited from charging a fee either to customers, retailers, or beer permittees with whom the delivery service has previously entered into a written agreement as required by subdivision (k)(1)(E) when delivering sealed packages of alcoholic beverages or beer sold by a retailer or beer permittee.</p> <p>(3) If a delivery service is delivering alcoholic beverages or beer purchased from a retailer in accordance with subdivision (k)(1), the delivery service shall not deliver the alcoholic beverages or beer to a customer who resides or is located at the time of the delivery at a distance greater than one hundred (100) miles from the licensed premises of the retailer at which the alcoholic beverages or beer was purchased.</p> |
| | Tenn. Code Ann. §57-5-103 | <p>(a) (11) A permit holder may sell beer online for curbside pickup at the permit holder's location. Purchased beer must be delivered to the customer's vehicle, and the vehicle must be located within a paved parking area adjacent to the place of business. Beer sold through an online curbside pickup service must be pulled from the inventory located at the permitted location of the retailer providing the service and may not be pulled from the inventory of another retailer or permitted location. Any employee bringing beer to a vehicle for online curbside pickup must confirm the individual</p> |

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| | | receiving the beer is at least 21 years of age. |
| Texas | Tex. Alcoholic Beverages Code Ann. §22.03 | <p><i>Effective until Sept. 1, 2021</i></p> <p>(a) The holder of a package store permit or wine only package store permit issued for a location within a city or town or within two miles of the corporate limits of a city or town, who also holds a local cartage permit, may make deliveries of and collections for alcoholic beverages off the premises in areas where the sale of the beverages is legal. The permittee must travel by the most direct route and may make deliveries and collections only within the county or the city or town or within two miles of its corporate limits, and only in response to bona fide orders placed by the customer, either in person at the premises, in writing, by mail, or by telegraph or telephone. This section shall not be construed as preventing a holder of a package store permit or wine only package store permit from delivering alcoholic beverages to the holder of a carrier's permit for transportation to persons who have placed bona fide orders and who are located in an area that the holder of a package store permit or wine only package store permit, who also holds a local cartage permit, is authorized to directly deliver to under this section. The holder of a package store permit or wine only package store permit may also deliver alcoholic beverages to the holder of a carrier's permit for transportation outside of this state in response to bona fide orders placed by persons authorized to purchase the beverages.</p> <p>(b) The holder of a package store permit who also holds a local cartage permit may transport alcoholic beverages to a commercial airline in a regional airport located all or partly in an adjoining county if the airport is governed by a board, commission, or authority, some of whose members reside in the county where the package store is located.</p> <p><i>Effective Sept. 1, 2021</i></p> <p>(a) The holder of a package store permit or wine only package store permit issued for a location within a city or town or within two miles of the corporate limits of a city or town may make deliveries</p> |

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| | | <p>of and collections for alcoholic beverages off the premises in areas where the sale of the beverages is legal. The permittee must travel by the most direct route and may make deliveries and collections only within the county or the city or town or within two miles of its corporate limits, and only in response to bona fide orders placed by the customer, either in person at the premises, in writing, by mail, or by telegraph or telephone. This section shall not be construed as preventing a holder of a package store permit or wine only package store permit from delivering alcoholic beverages to the holder of a carrier's permit for transportation to persons who have placed bona fide orders and who are located in an area that the holder of a package store permit or wine only package store permit is authorized to directly deliver to under this section. The holder of a package store permit or wine only package store permit may also deliver alcoholic beverages to the holder of a carrier's permit for transportation outside of this state in response to bona fide orders placed by persons authorized to purchase the beverages.</p> <p>(b) The holder of a package store permit may transport alcoholic beverages to a commercial airline in a regional airport located all or partly in an adjoining county if the airport is governed by a board, commission, or authority, some of whose members reside in the county where the package store is located.</p> |
| | <p>Tex. Alcoholic Beverages Code Ann. §25.15</p> | <p>The holder of a wine and beer retailer's permit who is also the holder of a local cartage permit may make deliveries to and collections from ultimate consumers in the same manner as the holder of a package store permit under §22.03.</p> |
| | <p>Tex. Alcoholic Beverages Code Ann. §28.1001</p> | <p>(a) Notwithstanding any other provision of this code, the holder of a mixed beverage permit may deliver, or have delivered by a third party, including an independent contractor acting under Chapter 57, an alcoholic beverage from the permitted premises to an ultimate consumer located off-premises and in an area where the sale of the beverage is legal if: (1) the holder of the mixed beverage permit holds a food and beverage certificate for the permitted premises; (2) the delivery of the alcoholic beverage is made as part of the delivery</p> |

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| | | <p>of food prepared at the permitted premises; (3) the alcoholic beverage is: (A) beer, ale, or wine delivered in an original container sealed by the manufacturer; or (B) an alcoholic beverage other than beer, ale, or wine, delivered in an original, single-serving container sealed by the manufacturer and not larger than 375 milliliters; and (4) the delivery is not made to a premises that is permitted or licensed under this code.</p> <p>(b) An alcoholic beverage may be delivered under this section only by a person who is 21 years of age or older.</p> <p>(c) An alcoholic beverage may be delivered under this section only to a person who is 21 years of age or older after the person accepting the delivery presents valid proof of identity and age and: (1) the person accepting the delivery personally signs a receipt, which may be electronic, acknowledging the delivery; or (2) the person making the delivery acknowledges the completion of the delivery through a software application.</p> <p>(d) This section does not authorize the holder of a brewpub license who also holds a wine and beer retailer's permit to deliver alcoholic beverages directly to ultimate consumers for off-premise consumption at a location other than the licensed premises.</p> |
| | <p>Tex. Alcoholic Beverages Code Ann. §43.01</p> | <p><i>Effective until Sept. 1, 2021</i></p> <p>(a) A warehouse or transfer company that holds a local cartage permit may transport liquor for hire inside the corporate limits of any city or town in the state.</p> <p>(b) A package store, wine only package store, or local distributor's permittee who also holds a local cartage permit may transfer alcoholic beverages in accordance with §§22.08, 23.04, and 24.04 of this code.</p> <p>(c) A package store, wine only package store, or wine and beer retailer's permittee who also holds a local cartage permit may make deliveries to and collections from customers in accordance with §22.03, 24.03, or 25.15, as appropriate.</p> |
| | <p>Tex. Alcoholic Beverage Code Ann. §57.01</p> | <p>(a) The holder of a consumer delivery permit may contract with or employ a driver for the delivery of an alcoholic beverage from the premises of the holder of a retailer's permit described by Subsection</p> |

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| | | <p>(b) to an ultimate consumer located in an area where the sale of the beverage is legal.</p> <p>(b) An alcoholic beverage may be delivered under this section only if the alcoholic beverage is sold to the ultimate consumer by the holder of a: (1) package store permit; (2) wine only package store permit; (3) wine and beer retailer's permit; (4) wine and beer retailer's off-premise permit; (5) retail dealer's on-premise license; (6) retail dealer's off-premise license; or (7) mixed beverage permit authorized to deliver alcoholic beverages under §28.1001.</p> |
| | <p>Tex. Alcoholic Beverage Code Ann. §57.02</p> | <p>(a) In determining whether the sale of an alcoholic beverage is legal in an area for purposes of §57.01, a person who sells or delivers an alcoholic beverage under that section may consult a map or other publicly available information produced by the commission for the purpose of establishing where the sale of alcoholic beverages is legal.</p> <p>(b) The holder of a consumer delivery permit may make deliveries of alcoholic beverages: (1) only in response to bona fide orders placed by the consumer under §57.01; and (2) only in areas where the sale of the beverages is legal in: (A) the county in which the premises of the retailer making the sale is located; (B) the city or town in which the premises of the retailer making the sale is located, if the retailer is located in a city or town; or (C) an area not further than two miles beyond the municipal boundary of the city or town in which the premises of the retailer is located, if applicable.</p> <p>(c) It is a defense to a prosecution alleging that an individual delivered an alcoholic beverage under this chapter to an address located in an area that is dry for the type of beverage delivered that: (1) the individual or the holder of a consumer delivery permit relied on publicly available information produced by the commission relating to the wet or dry classification of the address; and (2) the information indicated that the address to which the beverage was delivered was classified as wet for the type of beverage delivered on the date of the delivery.</p> |
| | <p>Tex. Alcoholic Beverage Code Ann. §57.03</p> | <p>The commission by rule shall establish the annual state fee for a consumer delivery permit.</p> |

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| | Tex. Alcoholic Beverage Code Ann. §57.04 | A consumer delivery permit may be issued to: (1) a person who contracts with or employs individuals for the delivery of retail goods to consumers, other than the holder of a permit or license in the manufacturing or wholesale tier of the alcoholic beverage industry; or (2) the holder of a permit or license described by §57.01(b). |
| | Tex. Alcoholic Beverage Code Ann. §57.05 | A consumer delivery permit holder under this chapter may not contract with or employ a person to make a delivery under this chapter unless the person: (1) is 21 years of age or older; and (2) holds a valid driver's license. |
| | Tex. Alcoholic Beverage Code Ann. §57.06 | (a) An alcoholic beverage may be delivered under this chapter only to a person who is 21 years of age or older after the person accepting the delivery presents valid proof of identity and age. (b) An alcoholic beverage may not be delivered under this chapter to any person other than: (1) the person who purchased the beverage; (2) a recipient designated in advance by the purchaser; or (3) a person at the delivery address who is 21 years of age or older. (c) An alcoholic beverage may be delivered under this chapter outside the hours of operation of the retailer from which the delivery is being made only if the delivery driver: (1) receives the beverage from the retailer during the retailer's hours of legal sale; and (2) completes the delivery to the consumer in a reasonable amount of time after leaving the retailer's premises. |
| | Tex. Alcoholic Beverage Code Ann. §57.07 | (a) A retailer's responsibilities under this code regarding delivery of an alcoholic beverage to an ultimate consumer are considered satisfied at the time the retailer transfers possession of an alcoholic beverage to the consumer delivery permittee or a delivery driver employed by, contracted with, or acting on behalf of the holder of a consumer delivery permit. (b) An action by a consumer delivery permittee or by a delivery driver is not attributable to the retailer with regard to: (1) providing, selling, or serving alcohol to a minor or to an intoxicated individual; (2) the delivery of alcohol in a dry or otherwise illegal area, unless the retailer has contractually agreed to retain responsibility for ensuring that deliveries are not directed to a dry or otherwise illegal |

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| | | <p>area; or (3) any other provision of this code.</p> <p>(c) A retailer: (1) is not required to verify that the consumer delivery permittee or the delivery driver has received delivery driver training under §57.09(a)(1); and (2) may not be held responsible for any reason under statutory or common law for the actions of a consumer delivery permittee or a delivery driver acting on behalf of a consumer delivery permittee.</p> |
| | <p>Tex. Alcoholic Beverage Code Ann. §57.08</p> | <p>(a) The actions of a delivery driver acting on behalf of a holder of a consumer delivery permit are not attributable to a holder of a consumer delivery permit if the permit holder has not directly or indirectly encouraged the delivery driver to violate the law and the delivery driver: (1) has a valid certification from the training program adopted under §57.09(a)(1); or (2) completed the delivery using an alcohol delivery compliance software application that meets the requirements established under §57.09(a)(2).</p> <p>(b) Notwithstanding Subsection (a), if it is found, after notice and hearing, that the permittee, an agent or employee of the permittee, or a person acting on behalf of the permittee delivered with criminal negligence an alcoholic beverage to a minor or an intoxicated person, the commission or administrator may: (1) suspend the permit for not more than 90 days for the first violation; (2) suspend the permit for not more than six months for the second violation; and (3) suspend the permit for not more than 12 months for a third violation within a period of 36 consecutive months.</p> <p>(c) It is a rebuttable presumption that a sale or delivery of an alcoholic beverage to a minor or an intoxicated person was not made with criminal negligence if the delivery driver: (1) at the time of the delivery held a valid certification from the training program adopted under §57.09(a)(1); and (2) completed the delivery as a result of a technical malfunction of an alcohol delivery compliance software application that otherwise meets the requirements established under §57.09(a)(2).</p> |
| | <p>Tex. Alcoholic Beverage Code Ann. §57.09</p> | <p>(a) The commission by rule shall: (1) adopt and administer an alcohol delivery training program for the purpose of training and certifying delivery drivers contracting with or employed by the</p> |

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| | | <p>holder of a permit under §28.1001 or this chapter; and (2) establish minimum requirements for alcohol delivery compliance software applications.</p> <p>(b) The commission shall implement a system that allows the holder of a retail permit or a consumer delivery permit to verify in real time whether a delivery driver has a valid certification from the training program adopted under Subsection (a)(1).</p> |
| Utah | <p>Utah Code Ann. §32B-2-701 <i>et seq.</i> <i>Wine subscription program delivered to state store or package agency</i></p> | <p>(1) The department shall establish and administer a wine subscription program as described in this part.</p> <p>(2) The subscription program shall permit an individual to subscribe to a wine subscription that a wine subscription business sells or offers for sale by: (a) enrolling in the wine subscription program in a manner the department prescribes; (b) authorizing the department to purchase the wine subscription in the individual's name; (c) paying the department, in a manner the department prescribes: (i) the price of the wine subscription; (ii) in addition to any tax, the markup described in §32B-2-304(4); and (iii) a fee the department charges in accordance with §32B-2-703(1); and (d) designating the state store or package agency at which the individual would prefer to collect the wine.</p> <p>(3) The department shall: (a) designate by contract with a wine subscription business the department warehouse to which the wine subscription business ships or transports wine under the subscription program; (b) deliver wine purchased through the subscription program to the appropriate state store or package agency; and (c) notify a subscriber when wine purchased through the subscription program is ready for the subscriber to collect from the state store or package agency described in Subsection (3)(b).</p> |
| Vermont | <p>Vt. Stat. Ann. tit. 7, §283 Vinous beverage storage and shipping license</p> | <p>(a) The Board of Liquor and Lottery may, pursuant to rules adopted by the Board, grant a vinous beverage storage and shipping license to a person that submits an application and pays the fee provided in §204 of this title.</p> <p>(b)(1) A vinous beverage storage and shipping licensee may operate a climate-controlled storage facility in which vinous beverages owned by another person are stored for a fee and may transport</p> |

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| | | <p>vinous beverages on which all applicable taxes already have been paid. (2) A vinous beverage storage facility may also accept shipments from any licensed in-state or out-of-state vinous beverage manufacturer that has an in-state or out-of-state consumer shipping license pursuant to §277 of this title. (3) Vinous beverages stored by the licensee may be transported only for shipment to the owner of the beverages or to another licensed vinous beverage storage facility, and the beverages shall be shipped only by common carrier in compliance with §280 of this title.</p> <p>(c) A person granted a license pursuant to this section may not sell or resell any vinous beverages stored at the storage facility.</p> |
| Virginia | Va. Code §4.1-100 | "Internet beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public. |
| | Va. Code §4.1-208 | A. The Board may grant the following licenses relating to beer: 10. Internet beer retailer license, which shall authorize persons located within or outside the commonwealth to sell and ship beer, in accordance with §4.1-209.1 and Board regulations, in closed containers to persons in the commonwealth to whom beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations. |
| | Va. Code §4.1-212.1 | A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may apply to the Board for issuance of a delivery permit that shall authorize the delivery of the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the commonwealth for personal consumption. B. Any person located within or outside the commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in their state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall |

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| | | <p>authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the commonwealth for personal consumption.</p> <p>C. All such deliveries shall be to consumers within the commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by either (i) the owner or any agent, officer, director, shareholder or employee of the permittee or (ii) an independent contractor of the permittee, provided that (a) the permittee has entered into a written agreement with the independent contractor establishing that the permittee shall be vicariously liable for any administrative violations of this section or §4.1-304 committed by the independent contractor relating to any deliveries of beer, wine, or farm wine made on behalf of the permittee and (b) only one individual takes possession of the beer, wine, or farm wine during the course of the delivery. No more than 4 cases of wine nor more than 4 cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the permittee may deliver more than 4 cases of wine or more than 4 cases of beer if he notifies the Department in writing at least 1 business day in advance of any such delivery, which notice contains the name and address of the intended recipient. The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require (i) the recipient to demonstrate, upon delivery, that he is at least 21 years of age and (ii) the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.</p> <p>D. For purposes of §§4.1-234 and 4.1-236 and Chapter 6 (§58.1-600 <i>et seq.</i>) of Title 58.1, each delivery of wine or beer by a permittee shall constitute a sale in Virginia. The permittee shall collect the taxes due to the commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.</p> |
| Washington | Wash. Rev. Code §66.24.550 | There shall be a beer and wine retailer's license to be designated as a beer and wine gift delivery license to solicit, take orders for, sell, |

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| | | <p>and deliver beer and/or wine in bottles and original packages to persons other than the person placing the order. A beer and wine gift delivery license may be issued only to a business solely engaged in the sale or sale and delivery of gifts at retail which holds no other class of license under this title or to a person in the business of selling flowers or floral arrangements at retail. No minimum beer and/or wine inventory requirement shall apply to holders of beer and wine gift delivery licenses. The fee for this license is \$75 per year. Delivery of beer and/or wine under a beer and wine gift delivery license shall be made in accordance with all applicable provisions of this title and the rules of the board, and no beer and/or wine so delivered shall be opened on any premises licensed under this title. A beer and wine gift delivery license does not authorize door-to-door solicitation of gift wine delivery orders. Deliveries of beer and/or wine under a beer and wine gift delivery license shall be made only in conjunction with gifts or flowers.</p> |
| | <p>Wash. Rev. Code §66.24.035 Wash. Rev. Code §66.24.371 Wash. Rev. Code §66.24.630 Sales via the internet to interstate purchasers</p> | <p>(3) (d) A retailer authorized to sell spirits for consumption on or off the licensed premises may accept delivery of spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute non-liquor items, and from which the retailer may deliver to its own licensed premises and, pursuant to sales permitted under subsection (1) of this section: (i) To other retailer premises licensed to sell spirits for consumption on the licensed premises; (ii) To other registered facilities; or (iii) To lawful purchasers outside the state. The facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers, including at least one retailer licensed to sell spirits.</p> |
| | <p>Wash. Rev. Code §66.28.340</p> | <p>(1) A retailer authorized to sell wine may accept delivery of wine at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute non-liquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful</p> |

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| | | <p>purchasers outside the state; such facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one retailer licensed to sell wine. A restaurant retailer authorized to sell spirits may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute non-liquor items, from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state; such facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one restaurant retailer licensed to sell spirits. Nothing in this section authorizes sales of spirits or wine by a retailer holding only an on-sale privilege to another retailer.</p> <p>(2) A retailer authorized to sell both wine and spirits for consumption off the licensed premises may accept delivery of wine and spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute non-liquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state. Such warehouse facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one retailer licensed to sell both spirits and wine. For purposes of negotiating volume discounts, a group of individual retailers authorized to sell both wine and spirits for consumption off the licensed premises may accept delivery of wine and spirits at a single location, which may be their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board.</p> |
| West Virginia | W. Va. Code §60-8-6 <i>et seq.</i> | (a) Except as to the commissioner and except as provided in subsection (b) of this section, no person may offer for sale or sell wine in this state, or offer wine for shipment into this state, except |

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| | | <p>to a distributor who is duly licensed under this article. Every person, whether resident or nonresident in this state, who is engaged in or desires to engage in the sale or shipment of wine to a distributor for resale under this article shall, prior to engaging in such activities, register with the commissioner. If any such person violates the provisions of this article, he shall not be permitted to sell, ship or deliver any wine to a distributor or to the commissioner, or otherwise engage in the wine business in this state for a period of 1 year from the date a notice is mailed to such person by the commissioner of the fact that such person has violated the provisions of this article. During such one-year period, it shall be unlawful for any distributor within this state to buy or receive wine from such person or to have any dealings with such person with respect thereto. Hearings and appeals on such notices may be had in the same manner as in the case of revocations of licenses under this article.</p> <p>(b) Notwithstanding the provisions of this chapter or any other law to the contrary, any person or winery that is currently licensed and in good standing in its domicile state as a winery, farm winery, supplier or retailer of wine and who obtains a direct shipper's license from the commissioner, as provided in this chapter, may ship up to a maximum of two cases of wine per month directly to adult West Virginia residents who are 21 years of age or over, for such adult resident's personal use and consumption and not for resale. Licensed direct shippers must maintain accurate records of all shipments sent to West Virginia residents. All shipments of wine into West Virginia by licensed direct shippers shall be made by a licensed and bonded shipping carrier. Direct shippers and their carriers shall not ship wine to areas of West Virginia where wine may not be lawfully sold by county, local or municipal law. Any holder of a direct shipper's license must collect all taxes, sales taxes, municipal taxes and the liter tax due to West Virginia, remit all sales, municipal taxes and the liter tax to the tax commissioner at the close of each month and file a monthly return reflecting the taxes paid for all sales and shipments to residents in West Virginia. The commissioner shall prescribe the forms to be used to file the</p> |
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| | | <p>monthly returns. The shipping container of any wine sent into or out of this state under this subsection shall be clearly and conspicuously labeled to indicate that the package cannot be delivered to: (1) Any person under the age of 21; (2) to an intoxicated person; or (3) to a person physically incapacitated due to the consumption of nonintoxicating beer, wine or alcoholic liquors or the use of drugs; and (4) the carriers are required to obtain a written or electronic signature upon delivery of an adult resident who the carrier verifies is at least 21 years of age or older and if the carrier is not able to obtain a signature of a verified adult resident at least 21 years of age or older, then the carrier may not complete the delivery of the wine shipment. Failure of any holder of a direct shipper's license or such licensee's carrier to abide by the provisions of this chapter and the commissioner's rules may subject the direct shipper to the penalties available to the commissioner under §18 of this article.</p> <p>W. Va. Code §60-8-6a</p> <p>(a) Before sending any shipment of wine to a resident of West Virginia, the direct shipper must first: (1) File a license application with the commissioner with the appropriate background check information, using forms required by the commissioner. Criminal background checks will not be required of applicants licensed in their state of domicile who can provide a certificate of good standing from their state of domicile; (2) Pay to the commissioner either the \$150 license fee to ship and sell only wine, the \$250 license fee to ship and sell wine and nonfortified dessert wine, port, sherry or Madeira wines, or the \$300 multi-capacity winery or farm winery license fee; (3) Obtain a business registration number from the tax commissioner; (4) Register with the office of the secretary of state, if a corporation; (5) Provide the commissioner a true copy of its current alcoholic beverage license issued in the state of domicile, proving that the direct shipper is licensed in its state of domicile as a winery, farm winery, supplier or retailer of wine; (6) Obtain from the commissioner a direct shipper's license; (7) Submit to the</p> |
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| | | <p>commissioner a list of all brands of wine to be shipped to West Virginia residents; and (8) Meet all other licensing requirements of this chapter and provide any other information that the commissioner may reasonably require.</p> <p>(b) All direct shipper licensees shall: (1) Not ship more than two cases of wine per month to any person. A case is defined as any combination of packages containing not more than 9 liters of wine; (2) Not ship to any address in an area identified by the commissioner as a "dry" or local option area where it is unlawful to sell wine or alcoholic liquors; (3) Not ship to any licensed suppliers, distributors, retailers, private wine bed and breakfasts, private wine restaurants, private wine spas or wine specialty shops; (4) Not ship wine from overseas or internationally unless it is first shipped to a licensed supplier or distributor; (5) Ensure that all containers of wine shipped directly to a resident in this state are clearly and conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY"; (6) File monthly returns to the commissioner and the tax commissioner showing the total of wines, by type, sold and shipped into West Virginia for the preceding month; (7) Pay to the tax commissioner all sales taxes, municipal taxes and the liter tax due on sales and shipments to residents of West Virginia in the preceding month, the amount of such taxes to be calculated as the sales were made in West Virginia at the location where delivery is made; (8) Permit the tax commissioner or commissioner or their designees to perform an audit of the direct shipper's records upon request; (9) Be deemed to have consented to the jurisdiction of the commissioner or any other state agency, the Kanawha County circuit court located in Charleston, West Virginia, concerning enforcement of this article and any other related laws, rules; and (10) Provide proof or records to the commissioner, upon request, that all direct shipments of wine were purchased and delivered to an adult resident of West Virginia over the age of 21 years of age.</p> <p>(c) The direct shipper may annually renew its license with the commissioner by application, paying the direct shipper license fee and providing the commissioner with a true copy of a current</p> |
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| | | <p>alcoholic beverage license from the direct shipper's domicile state.</p> <p>(d) The commissioner may promulgate rules to effectuate the purposes of this law.</p> <p>(e) The commissioner may enforce the requirements of this section by administrative proceedings to suspend or revoke a direct shipper's license, and the commissioner may accept payment of a penalty or an offer in compromise in lieu of suspension, at the commissioner's discretion.</p> <p>(f) Shipments of wine direct to consumers in West Virginia from persons who do not possess a current direct shipper's license or other permit or license from the commissioner are prohibited. Any person who knowingly makes, participates in, transports, imports or receives such an unlicensed and unauthorized direct shipment is guilty of a felony and shall, upon conviction thereof, be fined in an amount not to exceed \$10,000 per violation or shall be imprisoned in jail for a period not to exceed 72 hours. Without limitation on any punishment or remedy, criminal or civil, any person who knowingly makes, participates in, transports, imports or receives such a direct shipment constitutes an act that is an unfair trade practice.</p> <p>W. Va. Code §60-8-6b</p> <p>(a) A wine specialty shop with a current active license and in good standing with the commissioner may apply for the additional license privilege of delivering wine with a gift basket, to the purchaser or other person designated by the purchaser, as provided in this section.</p> <p>(b) The wine specialty shop: (1) May only deliver in the county where the wine specialty shop is located with all sales and municipal taxes accounted for and paid, as long as such county is not a dry county or such county does not contain dry local option areas. The delivery of wine is not permitted in a dry county or the dry local option areas; (2) Shall ensure that all wine delivered is sealed in the original container and is clearly and conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 OR OLDER REQUIRED FOR DELIVERY"; (3) Shall provide proof or records to the commissioner by filing monthly returns to the commissioner, on a</p> |
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| | | <p>form as prescribed by the commissioner, and the Tax commissioner of all deliveries of wine which were purchased by and delivered to a person at least 21 years of age in the wine specialty shop's county of operation; (4) Shall only deliver wine with a gift basket to addresses within the state of West Virginia and within the requirements noted in this subsection; (5) Shall not deliver in excess of two cases of wine with a gift basket per month to any person or address; (6) Shall not deliver wine to any private club, private wine restaurant, wine retailer, private wine bed and breakfast, or private wine spa; and (7) May only deliver wine with a gift basket for personal use and not for resale to a person. The wine shall not be delivered and left at any address without verifying a person's identification as required in this section.</p> <p>(c) The non-prorated, nonrefundable fee for the additional wine specialty shop delivery license privilege is \$250.</p> <p>(d) The wine delivered by the authority of this section must be purchased in-person with a face-to-face transaction at the shop; may not be ordered or purchased by telephonic, electronic, or web-based wine ordering; and must be delivered by an officer or employee of the wine specialty shop licensee who is 21 years of age or older. Non-licensed third parties may not deliver wine with a gift basket on behalf of a licensed wine specialty shop.</p> <p>(e) Any vehicle delivering wine in a gift basket shall meet the permit requirements set forth in this chapter.</p> <p>(f) The commissioner may propose rules for promulgation in accordance with §29A-3-1 <i>et seq.</i> of this code to effectuate the purposes of this section.</p> |
| Wyoming | Wyo. Stat. §12-2-204 | <p>(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship no more than a total of 36 liters of manufactured wine directly to any one household in this state in any 12-month period.</p> <p>(b) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcoholic</p> |

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| | | <p>liquor or malt beverage manufacturer, importer, wholesaler or retailer who obtains an out-of-state shipper's license, as provided in this section, may ship to any Wyoming retail establishment which holds a liquor license in this state or any household in this state any manufactured wine which is not listed with the liquor division as part of its inventory and distribution operation.</p> <p>(c) Before sending any shipment to a household or to a licensed retailer in this state, the out-of-state shipper shall: (i) File an application with the liquor division of the department of revenue; (ii) Pay a license fee of \$50 to the liquor division; (iii) Provide a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile to the liquor division; (iv) Provide such other information as may be required by the liquor division; and (v) Obtain from the liquor division an out-of-state shipper's license, after the division conducts such investigation as it deems necessary.</p> <p>(d) Any out-of-state shippers licensed pursuant to this section shall: (i) Not ship more than a total of 36 liters of manufactured wine to any one household in this state during any 12-month period. In the event any out-of-state shipper ships more than 90 liters of any particular manufactured wine to any combination of households or licensed retailers in this state, the out-of-state shipper shall offer to sell the manufactured wine to the liquor division at wholesale prices; (ii) Ship manufactured wine only to an individual who is at least 21 years of age for such individual's personal use and not for resale. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any person in this state. No out-of-state shipper shall ship any malt beverage or spirituous liquor to any retail establishment which holds a liquor license in this state; (iii) Ensure that all shipping containers of manufactured wine shipped pursuant to this section are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVERY"; (iv) Ensure that all shipments into this state are made by a duly licensed carrier and further ensure that such carriers comply with the requirement to obtain an adult signature; (v) Remit a tax of 12% of the retail price for each shipment of manufactured wine to the liquor division. Each out-of-</p> |
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| | | <p>state shipper shall file a monthly report with the liquor division and include a copy of the invoice for each shipment of manufactured wine and remit any tax due. The report shall be filed with the liquor division not later than the tenth of the month following the month in which the shipment was made. Any report filed late with the liquor division shall be subject to a late filing fee of \$25; (vi) Maintain records for at least 3 years as will permit the liquor division to ascertain the truthfulness of the information filed and permit the division to perform an audit of the licensee's records upon reasonable request; and (vii) Be deemed to have consented to the personal jurisdiction of the liquor division or any other state agency and the courts of this state concerning enforcement of this section and any related laws, rules or regulations.</p> <p>(e) The out-of-state shipper shall annually renew its license with the liquor division by paying a renewal fee of \$50, providing a true copy of its current alcoholic liquor or malt beverage license issued in its state of domicile, and further providing other information as may be required.</p> <p>(f) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor. Each shipment shall constitute a separate offense. Where the person holds an out-of-state shipper's license, license suspension or revocation may be in addition to or in lieu of the foregoing penalties.</p> |
| | Wyo. Stat. §12-5-301 | <p>(a) Upon approval of the licensing authority, a drive-in area adjacent or contiguous to the licensed building may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquor or malt beverages under the following conditions: (i) The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued; (ii) Repealed by Laws 2017, ch. 63, § 2, eff. July 1, 2017. (iii) The area shall be well lighted and subject to inspection by the licensing authority at any and all times; (iv) No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment; (v) No order shall be received from nor delivery made to a person under 21 years of age</p> |

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| | | <p>or an intoxicated person in the area; (vi) No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales; and (vii) Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.</p> |
| | <p>Wyo. Stat. §12-5-302</p> | <p>The agents and officers of the licensing authority administering the retail liquor license shall determine whether traffic conditions or physical circumstances hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. If by resolution of the licensing authority the right of a licensee to use certain drive-in areas is forbidden or restricted that resolution shall be complied with by the licensee.</p> |