



NCCBG Brewer Advisory: Direct-to-Consumer Delivery Guidelines

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Guidelines for Complying with Delivery Service Statute

Holders of retail TTB licenses are allowed to deliver beer and wine under that retail license. Last year the NC General Assembly passed a law creating a new permit intended to regulate companies like Instacart, Shipt, and Amazon that deliver alcoholic beverages from retailers to consumers, but that don't otherwise have retail permits. They call the new permit a Delivery Service Permit ("DSP").

Businesses, such as brewery taprooms, who currently hold an ABC permit are ***not required*** to obtain a separate DSP. While formal ABC rules have not yet been established, below I will go through the legislative requirements, and advise you on how to best be in compliance with the statute as it is written.

TRAINING: The statute requires that every person making deliveries must have approved training and carry proof of training completion when making deliveries. Companies may provide their own in-house training program, however it has to be approved by the ABC Commission. Alternatively, the ABC has developed its own [delivery service training program](#), which is available for free on the ABC's website, and is what we advise our members to complete.

PAYMENT: Sales transactions must be made at the location of the TTB retail license. This can be handled in-person, by phone, or via the website. To be clear, payments ***may not*** be made at the customer's door or other delivery location. Delivery people are not allowed to handle cash (other than a tip) or to process credit card transactions.

TIME: Deliveries have to be completed during the hours allowed for retail sales. So even if a "sale" via the internet happens at 1:55 in the morning, unless the driver can complete the delivery by 2:00 a.m., you will be in violation.

PLACE: No deliveries may be made to dry areas of the state. No deliveries are allowed more than 50 miles from the retail location selling the beer. Other than that, you may deliver to any place the customer asks you to, except to other permitted premises.



HAND-OFF: Deliveries can't be made to a person under 21 years old. Although the statute doesn't require an ID check, we highly recommend checking the recipient's ID regardless of how old the recipient of the delivery appears to be. No deliveries to intoxicated persons are allowed. Delivery has to be made to a person who immediately takes possession of the product. That is, your delivery person can't leave it behind a bush in the front yard. It doesn't have to be the person who placed the order, so long as the person who takes delivery is 21 years old.

PACKAGE: "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.' For best compliance, we suggest that the safest practice is for you to put a notice, in the form of a sticker with the required language and type size, on growlers and crowlers that are filled for delivery.

As I mentioned, the ABC rules are still not finalized. When they finally are adopted, we will update this summary. Feel free to contact me if you have questions.

Thanks.
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