

Best Practice Recommendations for the Delivery of Alcohol by Common Carriers - A National Liquor Law Enforcement Association Guidance Document

(A common carrier includes companies like FedEx, Fed Ex Ground or UPS. They deliver packages and goods for different people and companies, for the purposes of this guidance document goods delivered are alcoholic beverages)



Guidance Document

OVERVIEW

This document is intended to provide guidance on best practices for the delivery of alcohol by Common Carriers in order to ensure that alcohol is being delivered in compliance with specific state laws and statutes.

The National Liquor Law Enforcement Association (NLLEA) recommends that Common Carriers review and adhere to each policy, practice or protocol as it relates to the state in which their employees deliver alcohol. Discuss and follow any internal company policies that may be more restrictive than their specific state laws and statutes.

The NLLEA encourages Common Carriers to not become complacent in their responsibility to keep alcohol from being delivered to minors and to those overly intoxicated. The NLLEA advocates for high standards of responsible alcohol delivery by Common Carriers through training and education of its employees and the understanding of laws and penalties associated with a violation. A contactless delivery or leaving a package that contains alcohol on the doorstep of a residence or place of business is not an acceptable means of delivery.



REGULATIONS

Liquor Code

Each state has administrative laws, regulations and penalties related to how liquor is transported, delivered, consumed and sold. The liquor code is a governing body of laws applicable to those licensed to sell, transport and deliver alcohol.

Criminal Code

Each state has criminal laws, regulations and penalties related to how liquor is transported, delivered, consumed and sold. The criminal code is a document that compiles a particular jurisdiction's criminal law. The criminal code contains offenses and penalties imposed for those offenses for a particular jurisdiction.

Dram Shop Laws/Civil Liability

Dram Shop Law allows certain people who are injured to get money damages from the person who sold the alcohol. A person can get money damages if you:

- sell alcohol to someone under the age of 21.
- sell alcohol to a customer who is under the influence of alcohol.
- sell alcohol after legal hours.

and that person damages another person, place or property, then the people affected can sue you, your manager, the owner and their partners. If you are doing your job, and following all the liquor laws, you will not need to worry about being sued. Those affected will have up to two years to file the lawsuit with the courts.



PROTOCOLS

(Delivery) Furnishing or Selling Alcohol to Minors

- Review state laws and fines associated with a violation
 - Liquor Code – Administrative Liability
 - Criminal Code – Criminal Liability
 - Dram Shop Laws – Civil Liability
 - Incentives for Delivery Refusal

Acceptable Forms of Identification

- Review acceptable forms and show a sample or have a printed sample
 - Valid photo driver's license issued by state
 - Valid photo identification card issued by state
 - Valid armed forces identification card containing holder's photograph
 - Valid passport, passport card or travel visa containing holder's photograph

Identity Verification Practices

- Review state guidelines/internal guidelines
- Identity verification of all individuals receiving beverage alcohol
- Utilize a systematic method of identity verification: FEAR- Feel, Examine, Ask, and Return
- Common signs associated with a false identification
- Do not accept an invalid identification
- Document method of identification
- Scan identification
- Declaration of age card (tool for delivery drivers)

Delivery of Alcohol to Visibly Intoxicated Customers

- Review state laws and fines associated with a violation
- Be familiar with signs and characteristics of intoxication
 - Liquor Code – Administrative Liability
 - Criminal Code – Criminal Liability
 - Dram Shop Laws – Civil Liability
 - Incentives for Delivery Refusal

PROTOCOLS

Delivery Awareness

- Review delivery awareness and restrictions of delivery locations, types and amount of alcohol
- Dry counties where alcohol delivery is not permitted
- College-housing where a potential person under the age of 21 might live
- What types of alcoholic beverages are allowed to be shipped: wine, beer, spirits, cider
- What amounts of each alcoholic beverage are allowed to be shipped

Review Package Labeling Requirements

- Contains Alcohol
- Signature of person 21 years of age or older
- State specific delivery laws pertaining to package labeling

Retention of Documentation

- Training documentation
- Incident documentation
- Keep a log book

Employee Background Checks

- Ensure delivery drivers are of age in your specific state to deliver alcohol
- Ensure delivery drivers do not have a criminal offense that would preclude the delivery of alcohol



CONTAINS ALCOHOL

GOALS

Goals for legal shipment and delivery of alcohol

Ensure proper licensing of shipper to send alcohol to a specific state

Properly verify age of the consumer upon delivery

Ensure no signs of intoxication by consumer

Obtain signature of consumer

Work with your state regulatory & enforcement for proper reporting



LIQUOR LAW ENFORCEMENT

The NLLEA is a non-profit association of law enforcement personnel dedicated to the enforcement of liquor laws and regulations. The NLLEA acknowledges that alcoholic beverages are valued by members of society. These societies also recognize, however, that alcoholic beverages can pose special threats to their well-being, including increased rates of crime (especially violent crime), and personal and public health problems, including injury and death. Alcoholic beverages, while legal, are potentially hazardous products, subject to special controls and conditions not applied to other commercial products. Thus, there are legal structures within which alcoholic beverages are marketed, sold and consumed.

Recognizing the unique burdens and challenges posed by the marketing and consumption of alcoholic beverages, most states and provinces have created specialized, independent law enforcement agencies to enforce these laws. These agencies are charged with providing the specific knowledge and professional skills necessary for effective and efficient administration and enforcement of state and provincial liquor laws. The NLLEA encourages you to check with your state Alcohol Regulatory Authority to ensure proper adherence to the laws set forth for Common Carriers in regards to the delivery of alcohol.

Responsibility:

No Signs of
Intoxication



Check for proper
identification



Obtain a signature

