

# DIVISION OF ALCOHOL AND TOBACCO CONTROL

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## Industry Circular

### Guidelines for Retailers Who Want to Deliver Alcohol

ATC receives questions from retailers and delivery companies regarding the legality of delivering by retailers. ATC is providing information for retailers so they may deliver within the guidelines of the liquor control laws.

Following are guidelines for retailers who want to deliver alcohol to consumers.

#### The Licensed Retailers:

- 1) Shall consummate the sale on the Retail Licensed Premises ([Section 311.240.3](#) and [11 CSR 70-2.140\(11\)](#)). That is, the sale must be completed at the business, either in advance, or by phone or internet, and must be paid by cash, credit or debit card (sale must be directly to the store and cannot go through third-party websites and/or mobile applications, etc);
- 2) Shall only sell to people 21 years of age or older ([Section 311.310](#));
- 3) Must make sure the delivery driver is 21 years of age or older ([Section 311.300](#));
- 4) Must make sure the delivery driver does not deliver to an intoxicated person or anyone under 21 years of age ([Section 311.300](#)); and
- 5) Should make sure the delivery driver requests ID from the person receiving the alcohol for proof they are 21 years of age or older.

#### In Addition:

- 1) Alcohol delivered to customers must come from the Retailer's Inventory. That is, the Retailer cannot buy the alcohol from another Retailer ([11 CSR 70-2.130\(11\)](#));
- 2) A person not licensed as a liquor retailer cannot purchase alcohol for resale to customers ([11 CSR 70-2.130\(4\)](#));

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- 3) Delivery should be made by an employee of the retailer because the retailer is responsible for any act of an employee conducting business in violation of the liquor control laws ([11 CSR 70-2.140\(1\)](#)); and
- 4) A delivery service that receives payment from a customer for alcohol would be considered selling without a liquor license in violation of [Section 311.050](#) and guilty of a felony ([Section 311.550.6](#)).

For alcohol licensees that sell tobacco, see the guidelines for [Tobacco Deliveries to Consumers](#) for more information on tobacco deliveries.