



National Liquor Law Enforcement Association



May 28, 2020

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Dear Members:

The pandemic is creating unprecedented shifts and changes in the alcohol marketplace adding additional challenges for Alcohol Law Enforcement (ALE). **This communication provides ALE agencies with resources on best practices as they work to enforce these new policies to ensure the public's safety.**

Nationwide, 32 states plus the District of Columbia have relaxed licensing laws to allow bars and restaurants to sell sealed, unopened bottles of wine, beer, and spirits. Of those states, almost 20 are also allowing sales of pre-made cocktails to go.

The National Liquor Law Enforcement Association (NLLEA) recognizes the severe financial burden licensees are facing as they seek to abide by the social distancing guidelines set forth in states. However, we also recognize that this could be a time where responsible beverage service needs to be reinforced as businesses institute these new operating practices. Underage alcohol compliance checks are a well-established best practice to prevent underage alcohol sales and provides an opportunity to educate licensees on responsible alcohol sales and delivery, including age verification.

ALE agencies currently conducting underage alcohol compliance checks in response to reports and complaints of youth accessing alcohol through these new access points of home delivery and curbside pickup have reported an estimated 80% violation rate of alcohol being provided/sold to a minor. The NLLEA is aware of investigations involving third party delivery services leaving alcohol on doorsteps with no verification as to the age of the recipient and underage youth decoys picking up to-go orders of food and alcoholic beverages curbside without being asked to provide proof of age.

However, even before the current crisis, a 2012 study (Williams et al.) examined youth access to alcohol through online vendors and found that of the 100 orders placed by the underage buyers, 45% were successfully received; 28% were rejected as the result of age verification.

Most vendors (59%) used weak, if any, age verification at the point of order, and, of 45 successful orders, 23 (51%) used none. Age verification at delivery was inconsistently conducted and, when attempted, failed about half of the time.¹

In some states, legislation is being introduced to make these temporary privileges permanent as a means to help mitigate lost revenue with little discussion about the impact on ALE. Now is a critical time to remain vigilant to our charge and responsibility as ALE, as we strive to keep the public at large safe and to maintain a balanced and safe alcohol marketplace. Conducting and reporting your ALE operations and observations during the pandemic will be helpful data to inform these policy discussions.

The NLLEA is committed to advocating for ALE and its efforts to ensure high standards of responsible alcohol sales and delivery. The NLLEA recommends that ALE remind and encourage its licensee community to follow best practice protocols for home delivery and curbside pickup of alcohol beverages. Here are some best practice guidelines for ensuring safe sales and service practices for delivery and curbside pickup that you can use in your state:

- Continue to conduct regular compliance operations to ensure licensees abide by state alcohol laws.
- The person ordering, paying, and picking up the alcohol needs to be the same person, over the age of 21 years old, and showing no signs of impairment.
- The driver has received ABC-approved delivery training, if applicable in state. The delivery driver must check to ensure the person taking the delivery is at least 21 years old and showing no signs of impairment.
- The driver must ensure that the alcohol is received (taken possession of), and not left unattended on a porch or premise, by a person over the age of 21 and showing no signs of impairment.

As the alcohol beverage marketplace changes rapidly, comes increased responsibilities for ALE and alcohol regulatory authorities to maintain compliance and an orderly and safe alcohol marketplace to protect the public's health and safety from alcohol-related harms.

¹ Williams RS, Ribisl KM. Internet Alcohol Sales to Minors. *Arch Pediatr Adolesc Med.* 2012;166(9):808–813. doi:10.1001/archpediatrics.2012.265

The demand on ALE resources has hit a crescendo; however, few states are discussing the impact on enforcement resources as access and availability of alcohol expands.

The NLLEA recognizes this larger landscape and will continue to advocate for ALE who are on the front line, enforcing and preventing illegal youth access to alcohol and over-service. Please consider NLLEA a resource; we are in this together.

Sincerely,

A handwritten signature in blue ink, appearing to be 'GC', with a long horizontal stroke extending to the right.

Greg Croft
President