

ATTACHMENT 1

NOTIFICATION LETTER

Department of Business License

VINCENT V. QUEANO

DIRECTOR

500 SOUTH GRAND CENTRAL PKY, 3RD FLOOR

BOX 551810

LAS VEGAS, NEVADA 89155-1810

(702) 455-4340

(800) 328-4813

FAX (702) 386-2168

<http://www.clarkcountynv.gov/businesslicense>

May 23, 2024

NOTIFICATION OF PROPOSED AMENDMENT TO CLARK COUNTY CODE TITLE 8, CHAPTER 8.20 – LIQUOR LICENSE REGULATIONS AND CHAPTER 8.24 – WORK IDENTIFICATION CARDS

Dear Licensee and Community Partners:

Pursuant to NRS 237.080, please be notified of proposed amendments to Clark County Code, Title 8, Chapter 8.20 – Liquor License Regulations and Chapter 8.24 – Work Identification Cards. The amendments are available for your review online at www.clarkcountynv.gov/depts/businesslicense.

Specifically, the proposed amendments will revise sections of Title 8, Chapters 8.20 and 8.24 regarding the delivery of liquor for grocery stores and liquor stores. The proposed amendments address the following key areas:

- **Subsection 8.20.020.187** adds a new definition for “liquor delivery support service”.
- **Subsection 8.20.020.250** would allow delivery of alcohol by a licensed grocery store, a licensed liquor store or a liquor delivery support service.
- **Section 8.20.357** prohibits any liquor licensee to employ any minor person to sell or handle any alcoholic liquor of any kind, except that grocery store, shopping center and supermarket licensees that provide a “box-boy” or other transfer service may allow a minor person to carry or transfer alcoholic liquors from the store to the vehicle of the purchaser.
- **Section 8.20.360** establishes the requirements that must be met to allow the delivery of liquor by a grocery store.
- **Section 8.20.861** establishes the requirements that must be met to allow the delivery of liquor by a liquor store.
- **Section 8.24.020** requires anyone to be employed by a liquor support service to have a valid work identification card.

In accordance with NRS 237.080, business owners and interested parties may submit data and arguments to the Clark County Board of Commissioners, in care of the Department of Business License as to whether the proposed amendment will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation or expansion of a business.

Please direct your comments, data and arguments in writing to PublicCommentCCBL@ClarkCountyNV.gov by 5:00 p.m. on June 17, 2024.

Sincerely,

Michael Harwell

Michael Harwell
Franchise Manager

ATTACHMENT 2

PUBLICATION NOTICE



togetherforbetter

Department of Business License
VINCENT V. QUEANO
DIRECTOR

500 SOUTH GRAND CENTRAL PKY, 3RD FLOOR
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Sincerely,
Michael Harwell
Michael Harwell
Franchise Manager

May 29, June 5, 2024 LV Review-Journal

ATTACHMENT 3

RESPONSE #1



June 17, 2024

Via Email to: PublicCommentCCBL@ClarkCountyNV.gov

Clark County Department of Business License
Attn: Vincent V. Queano, Director
500 South Grand Central Pkwy., 3rd Floor
Las Vegas, NV 89155

RE: Alcoholic Beverage Delivery Support Service Licensing

Dear Director Queano:

Please accept this letter on behalf of the undersigned associations, including the Adult Beverage Alliance and TechNet, and delivery support service businesses, including Amazon, DoorDash, GrubHub, Instacart, Shipt, and Uber (the “Industry Members” or “we.”) This letter is to advise you that the Industry Members strongly support Clark County expanding alcoholic beverage delivery opportunities. We are eager for the opportunity to provide our retail partners in Clark County with access to alcoholic beverage delivery services. Permitting safe and responsible alcohol delivery equates to more revenues for our retail partners, more earning opportunities for drivers who choose to deliver on our platforms, and more convenience for consumers.

Our customers simply desire the convenience of ordering and receiving deliveries of alcoholic beverages along with the other retail goods already being delivered. Also, our customers in many other states and some jurisdictions in Nevada are accustomed to using third-parties to receive alcoholic beverages with their orders and we are unable to meet customer expectations in Clark County at this time.

The Industry Members further have operations in the adjacent licensing jurisdictions of the incorporated cities of Las Vegas and Henderson, which have recently enacted third-party alcohol delivery ordinances. We look forward to the opportunity to have consistent regulations among these jurisdictions in compliance with recently enacted state law.¹

We support the intent of the County’s proposed ordinance providing for new regulations regarding delivery of alcoholic beverages (the “Bill”). There are, however, specific provisions in the Bill that we believe would present significant operational challenges that will effectively

¹ See Nevada Revised Statutes (“NRS”) § 369.489 and LCB File No. R068-21, December 29, 2022, available here: <https://tax.nv.gov/uploadedFiles/taxnvgov/Content/TaxLibrary/R068-21AP.pdf>.

prohibit third-party delivery in Clark County. The Industry Members, therefore, respectfully request the following changes to the language of the Bill:²

(1) The Requirement for Delivery Personnel to Obtain Work Cards is Impractical and Unnecessary

As currently drafted, the Bill requires any person who delivers alcoholic beverages on behalf of a grocery store, liquor store, or liquor delivery support service (each, a “Licensee”) to possess a work card as required by Clark County Code (“CCC”) Section 8.24.020. For several reasons outlined below, this requirement would be highly impractical, if not impossible to comply with. While we understand the intention for the inclusion of such requirements in the Bill, we believe those concerns can be better addressed in other ways that are more practical and consistent with the practices in other jurisdictions throughout the country and locally in Southern Nevada.

A. Because Most Delivery Personnel will be Independent Contractors, the Clark County Code would not, as a Practical Matter, Permit Compliance with the Work Card Requirements.

The work card requirement would effectively prevent third-party alcohol delivery in Clark County. Existing code only contemplates work cards for *employees* of certain businesses; it does not contemplate *independent contractors* who may provide services on behalf of various licensed businesses. In this regard, the existing code requires a person applying for a work card to “obtain a referral slip from his prospective employer which shall be signed by the payroll officer or his prospective supervisor.”³ Moreover, certain duties are imposed upon “employers” of persons required to have work cards.⁴

Drivers who would potentially deliver alcoholic beverages on behalf of the Industry Members would be independent contractors, who oftentimes “multi-platform,” making deliveries on several of the Industry Members’ platforms. It is common for an independent contractor driver to contract with multiple third-party delivery companies at the same time without being an employee. This business model provides great flexibility for the drivers. Some drivers may only make one delivery a month, while others may make multiple deliveries on behalf of different businesses in a single day. Because the drivers are independent contractors, they cannot obtain a work card referral from any particular company as their employer.

B. Strict Security Protocols can be Implemented to Independently Screen Drivers

² A redline draft of the Bill incorporating these requested revisions is attached to the correspondence as Exhibit A. Please note that the substantive requested revisions are discussed in detail in this correspondence, but there are a few other requested revisions in the attached redline related to “typos” or clarity that should speak for themselves.

³ CCC 8.24.030(A).

⁴ See e.g., CCC 8.24.020(A) & CCC 8.24.090.

The Industry Members each have screening policies in place confirming that alcohol delivery personnel do not have criminal histories. Instead of requiring work cards for drivers, the Bill could instead require each business seeking approval to facilitate alcohol delivery to demonstrate how it screens drivers (e.g., DMV and/or other criminal background checks).

C. Even without Work Cards, the Bill Requires Sufficient Protocols to Prevent Illegal Deliveries.

The Bill requires each Licensee to adopt a policy with procedures specifically to prevent deliveries to minors, ensure proper documentation is obtained, and that delivery personnel are properly trained. These requirements provide the Business License Department with appropriate flexibility and discretion to ensure that each individual business has sufficient safety protocols in place to prevent illegal deliveries. These requirements, without an additional driver work card requirement, would allow for technological innovation and greater safety as new ways of electronically monitoring alcoholic beverage deliveries are developed.

The Industry Members take alcohol compliance very seriously and have proven track records of compliance in many other jurisdictions. The proposed work card requirement does not consider technological advancements that allow every delivery to be monitored in real time. Unlike an employee selling liquor in the store only under human supervision, app-based delivery drivers are subject to technological strict security controls to ensure that the correct alcoholic beverages are delivered to the correct customers, and that proper safety procedures are followed. Each applicant for a delivery license should be permitted to demonstrate to Business License its delivery policies to prevent illegal deliveries.

D. The Proposed Work Card Requirement is Far More Burdensome than any Requirement in any other Jurisdiction in the Country which Allows Alcohol Delivery.

The Industry Members are presently licensed or otherwise authorized to deliver alcohol in many other jurisdictions throughout the United States. There is no other jurisdiction which requires work cards or anything similar for independent contractor delivery personnel. While we appreciate that Clark County has unique interests and concerns related to alcohol sales, for the reasons further discussed herein, we do not believe that work cards are necessary for such purposes.

Back in 2019, the neighboring City of Las Vegas (the “City”) presented a draft ordinance allowing for expanded alcohol delivery privileges similar in form to this Bill. An early draft of the City’s delivery ordinance similarly required work cards but was ultimately amended to remove such requirement due to the impossibility of compliance. Consistency between jurisdictions in the context of delivery is paramount to operational feasibility.

E. Clark County Permits Other Businesses to Deliver Alcoholic Beverages without Requiring Drivers to Obtain Work Cards.

Clark County currently permits other businesses to have drivers delivering alcoholic beverages without possessing work cards. For example, the County does not require persons delivering alcoholic beverages on behalf of licensed wholesalers to hold work cards. Additionally,

the County does not require common carrier delivery drivers to hold work cards even if they are delivering shipments of alcoholic beverages to Clark County residents.

Under existing code, grocery stores can be authorized to deliver alcohol using employees without the need for drivers to have work cards. This new requirement for work cards places a significant regulatory burden not only on the Industry Members, but further on grocery stores that currently and intend to continue to use employees for delivery. Since work cards have not been required in the past for delivery personnel, they shouldn't be required going forward.

For the above reasons, we respectfully request that the work card requirement be removed from the Bill, as it is operationally impractical to comply with and can be addressed through other means.

(2) Delivery for All Licensed Retailers

The Bill proposes expanding alcohol delivery privileges that currently only exist for grocery stores to also include liquor stores. While we support his expansion, we believe that the Bill should further include a broader range of licensed retailers including package beer/wine retailers and on-premise licensees, consistent with state law and the existing delivery privileges in the neighboring City of Las Vegas.

Expanding delivery privileges to a broader range of retailers now will eliminate the possibility that Clark County will need to do so in the near future with an additional delivery ordinance to comply with state law.

Nevada state law provides that a “retail liquor store, or a delivery support service acting on behalf of a retail liquor store, may deliver liquor in its original package to a consumer in this State” under certain circumstances.⁵ Regulations recently enacted by the Nevada Department of Taxation, further provided that each “county and city in this State shall adopt ordinances regulating liquor delivery which are consistent with the provisions” of such statute.⁶

While the term “retail liquor store” could on its face appear to only apply to the common understanding of the term “liquor store,” the applicable definition of “retail liquor store” is broad and encompasses *all* retailers of any alcohol beverages.⁷ The term is used in state law in reference to all retailers. Any interpretation of the term “retail liquor store” which excludes certain categories of retailers would have the absurd consequence of exempting such businesses from all state liquor laws in NRS Chapter 369. Narrowly interpreting the term “retail liquor store” to include only businesses that sell spirits, has the unintended consequence of excluding beer & wine retailers, which is inconsistent with state law.

The City of Las Vegas currently allows all off-sale liquor licensees (including beer/wine and full liquor) and restaurants licensed to sell alcohol beverages for on-premises consumption to

⁵ NRS 369.489(1).

⁶ LCB File NO. R068-21. Filed December 29, 2022. Available at <https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/TaxLibrary/R068-21AP.pdf>.

⁷ “Retail liquor store” means an establishment where beers, wines and liquors, in original packages or by the drink, are sold to a consumer. NRS 369.090. The definition of “liquor” includes beer and wine. *Id.* at 040.

obtain approval to deliver alcohol beverages via their own employees or a licensed delivery support service.⁸ The Industry Members have successfully partnered with drug stores, convenience stores, restaurants and other retailers in other jurisdictions to deliver alcohol and would like the opportunity to provide the same services to all retail licensees in Clark County. Accordingly, we respectfully request that Clark County adopt similar allowances to provide consistency within the valley.⁹

(3) Delivery of Alcohol Should be Restricted only to Resort Hotels, not to all H-1 Zoned Property

As drafted, the Bill prohibits liquor deliveries to locations in H-1 Zones,¹⁰ with a limited exception for grocery stores only to be able to deliver to “residences” therein. While the intent behind this provision is understandable, technically complying with this type of provision is operationally challenging, bordering on impossible. For example, at the time an order is placed, a licensee has no effective way to independently verify the zoning of a delivery address (as zoning can change during the development process) nor whether it is a “residence.”

The only way a Licensee can verify with certainty whether a proposed delivery address is in a H-1 Zone and/or a “residence” is to call a County Planner to confirm before making each delivery, which is operationally impractical, and likely does not support the intent of the Bill.

Both the cities of Las Vegas and Henderson addressed a similar challenge when their delivery ordinances were initially introduced and ultimately both jurisdictions determined that the best course of action was to restrict deliveries only to resort hotels. Licensees would be able to comply with this requirement by simply excluding the addresses for each resort hotel to prevent alcohol deliveries to these locations.

We understand that there may be other concerns regarding alcohol deliveries around the Strip in particular. However, those concerns should be adequately addressed by other provisions in the Bill, including subsection 14(b) prohibiting delivery to a location holding a retail license (which would include resort hotels and various other businesses in the resort corridor) and subsection 14(e) prohibiting delivery to any location that doesn’t have a permanent address including a street name/number (meaning no deliveries on the street or parking garages etc.)

We respectfully propose that Clark County adopt a similar provision to the neighboring jurisdictions, which is both operationally feasible, and also provides consistency among the Southern Nevada jurisdictions.

(4) Clarity is Needed Regarding Interjurisdictional Deliveries.

⁸ Las Vegas Municipal Code § 6.50.100(A)(1).

⁹ Please note that the attached redline does not address this issue as it may require more substantive changes, which may include restructuring the Bill to include new sections addressing the regulations for alcohol delivery generally applicable to additional categories of retail licensees, rather than have different sections applicable to each category of retailer (e.g., grocery store, liquor store, convenience store, etc.).

¹⁰ We note that it is our understanding that Title 30 of the CCC was amended in January 2024 and the zoning classification “H-1” is no longer used. We understand the intent to include the resort corridor.

As drafted, the Bill is unclear regarding the requirements for a delivery originating from a licensed retailer in a neighboring jurisdiction to a customer located in the unincorporated County.

Existing code clearly provides the requirements for grocery stores in adjacent licensing jurisdictions to deliver alcohol into the unincorporated County.¹¹ The Bill eliminates this provision, although it appears that the intention is to keep the same requirements. Instead, as drafted, the Bill provides that a Licensee must have a “county business license” and meet “all local licensing requirements to engage in business as a retail for alcoholic liquor in the jurisdiction where [the business] is located and where the delivery occurs.”

Further clarification regarding specifically what “county business license” an out of jurisdiction retailer would need in order to deliver to the County would be helpful.

(5) Additional Impractical Delivery Requirements Impose Direct and Significant Economic Burdens and Would Directly Restrict the Operation or Expansion of Business.

A. Alcohol Awareness Training

As drafted, the Bill extends existing alcohol awareness training requirements for employees¹² to independent contractors making deliveries on behalf of retailers and/or delivery support services. We understand the clear intention behind this proposed requirement. However, similar to the circumstances of the work cards discussed above, this requirement in the context of independent contractors imposes a direct and significant burden on the industry.

The state-approved alcoholic beverage awareness programs are prepared and approved in the context of brick-and-mortar retail sales and include training not relevant to delivering alcohol. For example, each training program is required to be at least 2 hours and must include training on “methods of preventing and halting fights” and “methods of preventing the entry of minors” into certain establishments.¹³

The vast majority of jurisdictions authorizing alcohol delivery with a specific training requirement allow companies to provide internal alcohol delivery training in lieu of a state mandated server education course. Internal training provides drivers a delivery-based alcohol education that is specific to each delivery platform(s) they deliver for and provides delivery support service businesses the ability to tailor the education course to their systems and processes to better ensure compliance.

Additionally, while the cost of a state approved training program (usually \$40.00) is a reasonable expense for an employee, it is a significant expense for an independent contractor who may only be looking to act as a delivery person for a short period of time or a few hours a week. We believe that this requirement will pose a significant burden preventing us from offering alcohol delivery.

¹¹ See CCC 8.20.360(d).

¹² See CCC 8.20.055 & NRS § 369.630.

¹³ NRS § 369.625(2).

We are not asking that the County allow alcohol delivery by untrained personnel. Instead, we are requesting that the County allow businesses the option to provide internal training which specifically addresses particular requirements (e.g., those required in subsection 15(c)) that are actually relevant to the act of delivery.

B. Locked Cargo Area

The Bill requires liquor intended for delivery to be transported in a motor vehicle “in locked cargo area until arrival at the address specified in the order.” We believe this is an unnecessary requirement since all liquor being delivered will be in the manufacturer’s original sealed container. We have only seen this requirement appear in other jurisdictions in the context of “cocktails to go” which involves delivery of mixed drinks not in the manufacturer’s sealed container and issues related to open-container rules of the road; as the Bill only addresses delivery of package liquor, these concerns should not be applicable.

That said, if the County believes it is a necessary regulatory requirement, we have suggested a minor revision that would ensure that the alcoholic beverages are out of reach of the driver regardless of the type of vehicle used. As currently drafted, the requirement would have the unintended effect of prohibiting deliveries via many common forms of vehicles that do not have a locked cargo area (e.g., SUVs and Mini-Vans).

C. Other Passengers

The Bill further prohibits any other passenger from being in the vehicle while a liquor delivery is being made. Most notably, it is impractical for any business to reasonably enforce this requirement and it doesn’t appear to serve a clear purpose. It would also pose a significant burden on the independent contractor drivers, many of which may make deliveries on occasion while running other errands with family. For example, this requirement would prohibit a working parent, with no childcare, from delivering groceries on the side.

D. Driver’s License and Vehicle Registration

We support the requirement that delivery personnel possess valid driver’s licenses and that each vehicle they use to make a delivery has automobile liability insurance and valid vehicle registration. This should go without saying – there are clear existing laws on these matters. Just as there would be no need for the Business License Code to provide that delivery personnel must obey the speed limit, it is superfluous to require compliance with existing/applicable state laws regarding licenses and registration.

There are, however, existing state laws that proscribe the circumstances in which a driver’s out-of-state license or vehicle registration are valid under Nevada law, e.g., drivers who may have just moved to Nevada, university students whose primary residence is out of state, border state employees or seasonal residents.¹⁴

¹⁴ See e.g., NRS § 483.141(2).

Rather than request that the Bill include all the exemptions and minutia existing in state law related to driver's licenses and vehicle registrations, we have requested simple revisions to simply ensure that the driver's license and vehicle registration are valid.

E. Independent Contractor Driver Business Licenses

Section 6.12.447 of the CCC presently requires independent contractor delivery drivers to each obtain their own Clark County business license. The Bill places a significant regulatory burden on Licensees to become the enforcers of this requirement, requiring that the Licensee to "ensure" that each independent contractor holds such license. This is operationally unfeasible as part of onboarding processes.

Instead, we have suggested a revision which reiterates the requirement that the drivers obtain such license pursuant to 6.12.447. At the very least, we would request that this requirement be revised to mirror the provision in 6.12.722 applicable to motor transportation network companies ("TNCs"). There, the CCC merely provides: "The TNC shall notify each driver of the requirement to obtain a county business license pursuant to Section 6.12.447 of the code and if the TNC becomes aware, or is notified by the department, that a driver does not possess a valid county business license, the TNC shall terminate that driver's access to the digital network or software applications service." There is no requirement that a TNC "ensure" that each driver holds such license, only that they terminate the driver's access if notified by the Business License Department.

F. Record Retention

The Bill requires certain records to be retained for a period of 4 years. In order to provide consistency with other record retention requirements in the CCC, we ask that this requirement be revised to 3 years.¹⁵

G. Responsibility for Drivers

Finally, the provisions in the Bill providing that each Licensee is responsible for the actions of the delivery drivers are overbroad. We have suggested a minor revision, which would instead have each Licensee be responsible for ensuring the delivery drivers comply with the liquor delivery code provisions.

Our concern is that as presently drafted, the Bill could be interpreted to unintentionally create liability for the Licensees for any actions of the independent contractors, even actions that may be entirely unrelated to any delivery.

¹⁵ See CCC 6.08.090(f) requiring retention of gross sales receipts for 3 years.

The Industry Members appreciate the County's consideration of these proposed changes to the Bill as further detailed in the attached "redline" draft. Please feel free to contact us should you have any questions.

Sincerely,

Adult Beverage Alliance

TechNet

Amazon

DoorDash

Grubhub

Instacart

Shipt

Uber

EXHIBIT A

Underlined material is that portion being added.
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BILL NO. _____

SUMMARY – An ordinance to amend Clark County Code Title 8, Chapter 8.20 and Chapter 8.24 regarding the handling, transport, and delivery of liquor; adding a new section to provide for the licensure of liquor delivery support services; revising the exceptions for the off-premise delivery of alcohol by package liquor licensees to include liquor stores, grocery stores, and liquor delivery support services; adding a section to prohibit the employment of minors to sell or handle liquor; establishing operational requirements for the delivery of liquor to a consumer in certain areas by a grocery store, liquor store, or a liquor delivery support service; requiring work identification cards for any person employed by a liquor delivery support service; and providing for other matters properly related thereto.

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 8, CHAPTER 8.20 AND CHAPTER 8.24 REGARDING THE HANDLING, TRANSPORT, AND DELIVERY OF LIQUOR; ADDING A NEW SECTION TO PROVIDE FOR THE LICENSURE OF LIQUOR DELIVERY SUPPORT SERVICES; REVISING THE EXCEPTIONS FOR THE OFF-PREMISE DELIVERY OF ALCOHOL BY PACKAGE LIQUOR LICENSEES TO INCLUDE LIQUOR STORES, GROCERY STORES, AND LIQUOR DELIVERY SUPPORT SERVICES; ADDING A SECTION TO PROHIBIT THE EMPLOYMENT OF MINORS TO SELL OR HANDLE LIQUOR; ESTABLISHING OPERATIONAL REQUIREMENTS FOR THE DELIVERY OF LIQUOR TO A CONSUMER IN CERTAIN AREAS BY A GROCERY STORE, LIQUOR STORE, OR A LIQUOR DELIVERY SUPPORT SERVICE; REQUIRING WORK IDENTIFICATION CARDS FOR ANY PERSON EMPLOYED BY A LIQUOR DELIVERY SUPPORT SERVICE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

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THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 8, Chapter 8.20 of the Clark County Code is hereby amended by adding a new Section 8.20.020.187 to read as follows:

8.20.020.187 Liquor delivery support service.

"Liquor delivery support service" means a business established for the delivery of alcoholic liquor, beer, wine, and spirit based products to an individual purchaser on behalf of a licensed liquor store or grocery store pursuant to a written agreement and to the extent permitted by Section

8.20.360 and Section 8.20.361 of this code. A liquor delivery support service that desires to operate within the jurisdiction of Clark County is required to apply for and obtain a county business license for a liquor delivery support service. Each applicant must:

- (a) Submit a completed application on a form approved by the Director of Business License;
- (b) Pay a non-refundable application fee as provided by Section 6.08.030 of this Code;
- (c) Comply with the requirements for the delivery of liquor set forth in Section 8.20.360 and Section 8.20.361 of this code, including the submission of all required documents; and
- (d) Complete a background investigation and obtain a finding of suitability pursuant to Clark County Code Section 8.20.030.

A liquor delivery support service shall pay a license fee of one thousand five hundred dollars annually. A liquor delivery support service shall maintain a current list of all liquor stores and grocery stores with which it has entered into written agreements for liquor delivery support services as permitted by this Section and Sections 8.20.360 through 8.20.361 of this code. Said list shall be available during all business hours for inspection by licensing officials and law enforcement officers.

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SECTION TWO. Title 8, Chapter 8.20, Subsection 8.20.020.250 of the Clark County Code is hereby amended to read as follows:

8.20.020.250 Package licenses.

- (a) All "package licenses" permit the sale of alcoholic liquors, beer, wine, and spirit based products in unopened original containers for consumption off-premises only; however, on-premises wine, beer, cordial and liqueur tasting is permitted at a liquor store if the licensee also holds a wine, beer, cordial and liqueur tasting license for that location. Alcoholic liquor sold under a package license in a resort hotel or hotel may be consumed only away from the licensed premises which includes all hotel areas other than guest rooms.
- (b) Except when issued in conjunction with taverns licensed by the Clark County department of business license that have been approved for a package license prior to January 1, 2018, main bars and in resort hotels and hotels under subsection 8.20.020.265(a)(14), no package license shall be granted to any establishment having less than one thousand two hundred square feet of floor space, exclusive of warehouse and office space, devoted to the display of merchandise for sale to the public.
- (c) It is unlawful for any licensee to provide window or drive-thru service or deliver alcohol outside the licensed portion of the building except for: (1) delivery pursuant to a package beer keg license; (2) room service delivery of alcoholic liquor in unopened original containers in a resort hotel by a licensee holding a main bar license and package license in that resort hotel; ~~and (3) a grocery store licensed for the Internet internet sale and delivery of alcohol pursuant to Section 8.20.360~~ (3) delivery by a licensed grocery store or a liquor delivery support service pursuant to Section 8.20.360 of this code; and (4) delivery by a

Underlined material is that portion being added.
~~Strikethrough~~ material is that portion being deleted.

licensed liquor store or liquor delivery support service pursuant to Section 8.20.361 of this code.

- (d) Nothing in this chapter prohibits the holder of a liquor store license, as defined in subsection 8.20.020.190 of this code, or a brew pub, as defined in subsection 8.20.020.040 of this code, or a main bar, as defined in subsection 8.20.020.210 of this code in a resort hotel, from dispensing beer or cider in a growler sold or provided by the licensee, or a clean, sanitary growler provided by the customer, with a maximum capacity which does not exceed one gallon (128 ounces) subject to the following conditions:
- (1) Only the licensee or the licensee's employee shall fill the growler at the time of sale;
 - (2) The licensee or licensee's employee that fills the growler must be at least twenty-one years of age and must have a valid ~~an~~ alcohol education ~~awareness~~ card in accordance with Section 8.20.055 of this code;
 - (3) The growler shall be filled only at the time of the in-person sale to the consumer;
 - (4) The growler shall be filled only with beer or cider from the original container procured from a duly licensed wholesaler or, if licensee is a brew pub, from original containers where beer or cider that is manufactured on the premises is stored;
 - (5) The beer or cider is not consumed on the licensee's premises;
 - (6) The growler is sealed with a plastic adhesive or tamper-evident seal; and
 - (7) The growler shall be affixed with a label or hang tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch:

Underlined material is that portion being added.
~~Strikethrough~~ material is that portion being deleted.

- (a) Brand name of the product dispensed;
- (b) Name of brewer or bottler;
- (c) Class of product (e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage); and
- (d) Net contents (e.g. ounces, liters, etc.).

SECTION THREE. Title 8, Chapter 8.20 of the Clark County Code is hereby amended by adding a new Section 8.20.357 to read as follows:

8.20.357 Employment of Minors to Sell or Handle Liquor Prohibited.

It is unlawful for any licensee to employ any minor person to sell or handle any alcoholic liquor of any kind, or to permit any minor person to handle such liquor in his place of business in any way, regardless of whether such place of business may be a duly licensed restaurant, eating establishment of any kind, drugstore, grocery store, shopping center, supermarket, hotel, import-wholesaler beverage licensee, package liquor establishment, tavern or other license, and whenever such practice is permitted, the license of such licensee may be suspended or revoked; provided, however, that grocery store, shopping center, and supermarket licensees affording "box-boy" or other transfer service from the place of sale to the vehicle of the purchaser shall be responsible under the foregoing prohibition only until the sale is completed, and that minors may nevertheless carry or transfer alcoholic liquors from the place of such consummated sale to the vehicle of the purchaser, in which event such purchaser shall be deemed to have assumed full and complete ownership of and responsibility for such alcoholic liquor.

SECTION FOUR. Title 8, Chapter 8.20, Section 8.20.360 of the Clark County Code is hereby amended to read as follows:

Underlined material is that portion being added.
~~Strikethrough~~ material is that portion being deleted.

8.20.360 ~~Transport~~ Delivery of liquor by a grocery store.

~~(a) It is unlawful for any licensee to employ any minor person to sell or handle any alcoholic liquor of any kind, or to permit any minor person to handle such liquor in his place of business in any way, regardless of whether such place of business may be a duly licensed restaurant, eating establishment of any kind, drugstore, grocery store, shopping center, supermarket, hotel, import wholesaler beverage licensee, package liquor establishment, tavern or other license, and whenever such practice is permitted, the license of such licensee may be suspended or revoked; provided, however, that grocery store, shopping center, and supermarket licensees affording "box boy" or other delivery service from the place of sale to the conveyance of the purchaser shall be responsible under the foregoing prohibition only until the sale is completed, and that minors may nevertheless carry or transport alcoholic liquors from the place of such consummated sale to the conveyance of the purchaser, in which event such purchaser shall be deemed to have assumed full and complete ownership of and responsibility for such alcoholic liquor.~~

~~(b) The following words shall have the meaning ascribed to them for the purposes of this section:~~

~~"Delivery" means the transportation of goods from the retail store where those goods were purchased to the purchaser's location:~~

~~"Internet" means a global network of computers, connected to one another through the use of common electronic communications protocols.~~

~~(c) Notwithstanding other provisions in this code, a licensee approved by the licensing board for the off premises retail sale of package liquor and package beer, wine and spirit based products in conjunction with a grocery store may petition to the board for approval to sell~~

Underlined material is that portion being added.
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~~package liquor and package beer, wine and spirit based products over the Internet for delivery to the purchaser subject to the following regulations:~~

- ~~(1) The licensee must adopt a policy, pursuant to NRS 202.055, to prevent minors from obtaining the licensee's alcoholic beverages through the use of the Internet;~~
- ~~(2) A copy of that policy must be submitted, along with the petition requesting approval to conduct Internet sales of package alcohol, to the director along with an application processing fee of five hundred dollars;~~
- ~~(3) Delivery of the alcoholic beverages may only be made to the person placing the Internet purchase order;~~
- ~~(4) The person placing the Internet purchase order must be of legal age to purchase alcoholic liquor;~~
- ~~(5) Each Internet sales transaction shall have written documentation of the sale and delivery on forms acceptable to the Director, which shall include at a minimum:
 - ~~(a) The business name and address of the grocery store;~~
 - ~~(b) A detailed list of the items, including alcoholic beverages, purchased in each sales transaction;~~
 - ~~(c) The name and address of the purchaser;~~
 - ~~(d) The type of identification used to prove the age of the purchaser; and~~
 - ~~(e) The signature of the delivery person and the purchaser involved in the sales transaction;~~~~
- ~~(6) All changes to the written policy submitted to the department must be reported to the director within ten working days prior to implementation of the new policy;~~

Underlined material is that portion being added.
~~Strikethrough~~ material is that portion being deleted.

~~(7) The board reserves the right, through the director, to implement reviews and audits necessary to ensure compliance with these regulations.~~

~~(d) Grocery stores in adjacent licensing jurisdictions that hold valid liquor licenses for the Internet sale and delivery of alcohol within their respective jurisdictions may deliver alcohol into the unincorporated area of Clark County provided those stores: (1) apply for and maintain a Clark County interjurisdictional general business license pursuant to Chapter 6.12 of this code; and (2) comply with all requirements of subsection (c) of this section except the city licensee is exempt from the application processing fee as identified in subsection (c)(2) of this section and in lieu of filing a petition to the director, the applicant must submit a copy of the applicant's city business license as proof that the applicant holds a valid liquor license for the Internet sale and delivery of alcohol within an adjacent licensing jurisdiction.~~

1. The following words shall have the meaning ascribed to them for the purposes of this section:

(a) "Delivery" means the transportation of goods from the retail store where those goods were purchased to the purchaser's location.

(b) "Internet" means a global network of computers, connected to one another through the use of common electronic communications protocols.

(c) "Marketing area" shall have the meaning ascribed to it in NRS 597.136 and means the area where a wholesaler sells a product of a supplier pursuant to the terms, provisions, and conditions of a franchise.

2. Notwithstanding other provisions in this code, a grocery store licensed for the retail sale of package liquor and package beer, wine, and spirit based products, or a liquor delivery support

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service acting on behalf of such a grocery store, may accept orders for and deliver alcoholic liquor in its original package to a consumer pursuant to this section and NRS 369.489, only if:

- (a) The alcoholic liquor is not for resale;
- (b) The original package of alcoholic liquor originates from the premises of the grocery store making the sale;
- (c) The alcoholic liquor is sold by the grocery store;
- (d) The grocery store has a county business license and has met all local licensing requirements to engage in business as a retailer of alcoholic liquor in the jurisdiction

where the grocery store is located and where the delivery occurs. Grocery stores in adjacent licensing jurisdictions that hold valid liquor licenses for the delivery of alcohol within their respective jurisdictions may deliver alcohol into the unincorporated area of Clark County provided those stores: (1) apply for and maintain a Clark County interjurisdictional general business license pursuant to Chapter 6.12 of this code; and (2) comply with all requirements of this section except the city licensee is exempt from the application processing fee and in lieu of filling a petition to the director, the applicant must submit a copy of the applicant's city business license as proof that the applicant holds a valid liquor license for the sale and delivery of alcohol within an adjacent licensing jurisdiction.;

- (e) The alcoholic liquor was purchased by the grocery store from a wholesaler in compliance with the marketing area of the wholesaler;
- (f) The delivery originates during the posted business hours of the grocery store; and
- (g) In the case of a liquor delivery support service acting on behalf of a grocery store, the liquor delivery support service has entered into a written agreement with the grocery store to deliver alcoholic liquor to consumers on behalf of the grocery store.

3. A grocery store or its agent may accept an order for the sale and delivery of liquor pursuant to this section that is made in person, is submitted in writing or is made by telephone or through the Internet.

4. Any alcoholic liquor intended for delivery to a consumer must be transported in a motor

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vehicle in the rear of the motor vehicle not within the immediate arm's length of the driver or within a locked cargo area until arrival at the address specified in the order. Only a person

making a delivery on behalf of a grocery store, or a liquor delivery support service acting on behalf of a grocery store, is permitted in the vehicle during a delivery. The grocery store, or a

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liquor delivery support service acting on behalf of a grocery store, shall ensure that any motor vehicle used to make a delivery has automobile liability insurance and valid motor vehicle registration in Nevada.

5. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall ensure that any person making a delivery on behalf of the grocery store or liquor delivery support service:

(a) Is not less than 21 years of age;

(b) Maintains the delivery log required by this subsection;

~~(b)(c)~~

~~(c) Possesses a valid work identification card as required by Section 8.24.020;~~

~~(d) Possesses a valid alcohol education card issued by an alcoholic beverage awareness program certified under NRS 369~~Has received alcohol awareness training on relevant laws, including those prohibiting buying for or selling alcohol to minors, checking for valid identification documents, and identifying and refusing delivery to intoxicated recipients pursuant to subsection 15(c); and

~~(e)(d)~~ Possesses a valid Nevada driver's license.

~~6. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall~~
~~ensure that a~~Any independent contractors it retains as a driver to make making deliveries on behalf of a grocery store or a liquor delivery support service must holds a

county business license pursuant to Section 6.12.447. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall maintain records of independent contractors that must be made available to the Department upon request.

7. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall make a delivery of alcoholic liquor only to a person 21 years of age or older at the address specified in the order as

the delivery address who is 21 years of age or older. The address specified in the order as the

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delivery address may be the designated pick-up area of the grocery store. If no person 21 years of age or older is present at the delivery address to accept the order, the grocery store, or liquor delivery support service acting on behalf of the grocery store, shall retain

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possession of the alcoholic liquor and return it to the grocery store prior to or at the end of their delivery route

shift.

8. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall not make a delivery of alcoholic liquor to a person who appears to show signs of intoxication.
9. Action taken by a liquor delivery support service on behalf of a grocery store to facilitate a sale of liquor by the grocery store, including the soliciting or receiving of an order for alcoholic liquor or the delivery of alcoholic liquor on behalf of a grocery store, shall not be deemed a sale, as defined in NRS 369.100, by the liquor delivery support service.
10. ~~Each person who makes a delivery, on behalf of~~For each delivery of liquor made by a grocery store, or liquor delivery support service acting on behalf of a grocery store, a delivery log shall be maintained~~a delivery log which includes the~~ following for each delivery of liquor made:

 - (a) The name of the purchaser;
 - (b) The name and date of birth of the person who accepts delivery as shown on his or her form of identification shown;
 - (c) The street address of the delivery location;
 - (d) The time and date of the purchase and delivery;
 - (e) The signature of the person who accepts the delivery;
 - (f) The business name and address of the grocery store;
 - (g) The name of the delivery person; and
 - (h) A detailed list of the items, including alcoholic beverages, purchased in each sales transaction.

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11. A person who makes a delivery, on behalf of a grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall not release the delivery until he or she has been shown an acceptable form of identification by the person who accepts delivery at the address listed on the order as the delivery address. Acceptable forms of identification are a valid driver's license, permanent resident card, tribal identification card or any other written or documentary evidence issued by a governmental entity indicating that the person is 21 years of age or older.

12. A grocery store shall maintain the ~~delivery orders, delivery logs~~ required under subsection 10, receipts, and journals ~~relevant to for~~ each delivery made by the grocery store, or liquor delivery support service acting on behalf of the grocery store and preserve those records for at least ~~4~~3 years. All such ~~delivery orders, delivery logs, receipts, and journals~~ shall be exhibited at any time during business hours, upon reasonable notice, to Department and officers of Las Vegas Metropolitan Police Department. Any person preventing or interfering with such inspection shall be guilty of a misdemeanor.

13. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, is responsible for ~~the acts of~~ ensuring its agents, employees, subcontractors and independent contractors, including but not limited to drivers and delivery personnel, are compliant with the provisions of this section. It is the affirmative duty of the grocery store, or a liquor delivery support service acting on behalf of the grocery store, to conduct all activities in a decent, orderly and respectful manner and shall not knowingly permit activities that endanger the public peace, health, ~~health,~~ safety, order, or welfare. Liquor delivery is not intended for use at a location/establishment as a means of

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circumventing the liquor licensing laws. Liquor delivery is not to be conducted in such a manner so as to constitute a permanent or semipermanent activity at a particular

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location/establishment that would require its own liquor license or additional liquor license pursuant to the requirements of this chapter.

14. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall not deliver alcoholic liquor to:

(a) Any location ~~other than a residence in an H-1 zone~~ that is a resort hotel, as defined in 8.04.010.145;

(b) Any location licensed for the retail sale of beer, wine, and liquor or the retail sale of package liquor or package beer and wine;

(c) Any property owned or maintained by the Clark County department of aviation;

(d) Any school property, any place wherein a school is conducted;

(e) Any location that does not have a permanent address that includes a street name and number.

15. Prior to accepting any orders for the sale and delivery of liquor, a grocery store or a liquor delivery support service acting on behalf of a grocery store shall adopt and provide to the Department upon request a policy with procedures to:

(a) Prevent minors from obtaining the grocery store's alcoholic beverages during the delivery process;

(b) Ensure proper documentation of deliveries; and

(c) Provide persons making deliveries with training on relevant state and local laws pertaining to the delivery of liquor, ~~including but not limited to this section and Chapter~~

~~369 of the Nevada Administrative Code.~~

All changes to the written policy submitted to the Department must be reported to the Director within ten working days prior to implementation of the new policy.

Underlined material is that portion being added.
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SECTION FIVE. Title 8, Chapter 8.20 of the Clark County Code is hereby amended by adding a new Section 8.20.361 to read as follows:

8.20.361 Delivery of liquor by a liquor store.

1. The following words shall have the meaning ascribed to them for the purposes of this section:

(a) "Delivery" means the transportation of goods from the retail store where those goods were purchased to the purchaser's location.

(b) "Internet" means a global network of computers, connected to one another through the use of common electronic communications protocols.

(c) "Marketing area" shall have the meaning ascribed to it in NRS 597.136 and means the area where a wholesaler sells a product of a supplier pursuant to the terms, provisions, and conditions of a franchise.

2. Notwithstanding other provisions in this code, a liquor store or a liquor delivery support service acting on behalf of a liquor store, may accept orders for and deliver alcoholic liquor in its original package to a consumer pursuant to this section and NRS 369.489, only if:

(a) The alcoholic liquor is not for resale;

(b) The original package of alcoholic liquor originates from the premises of the liquor store making the sale;

(c) The alcoholic liquor is sold by the liquor store;

(d) The liquor store has a county business license and has met all local licensing requirements to engage in business as a retailer of alcoholic liquor in the jurisdiction

where the liquor store is located and where the delivery occurs. Liquor stores in adjacent licensing jurisdictions that hold valid liquor licenses for the delivery of alcohol within their respective jurisdictions may deliver alcohol into the unincorporated area of Clark County provided those stores: (1) apply for and maintain a Clark County interjurisdictional general business license pursuant to Chapter 6.12 of this code; and (2) comply with all requirements

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of this section except the city licensee is exempt from the application processing fee and in lieu of filling a petition to the director, the applicant must submit a copy of the applicant's city business license as proof that the applicant holds a valid liquor license for the sale and delivery of alcohol within an adjacent licensing jurisdiction.;

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- (e) The alcoholic liquor was purchased by the liquor store from a wholesaler in compliance with the marketing area of the wholesaler; and
 - (f) The delivery originates during the posted business hours of the liquor store;
 - (g) The delivery originates from a liquor store where the total square footage of the non-retail floor space is no more than twenty-five percent (25%) of the total square footage of the liquor store; and
 - (h) In the case of a liquor delivery support service acting on behalf of a liquor store, the liquor delivery support service has entered into a written agreement with the liquor store to deliver alcoholic liquor to consumers on behalf of the liquor store.
3. A liquor store or its agent may accept an order for the sale and delivery of liquor pursuant to this section that is made in person, is submitted in writing or is made by telephone or through the Internet.
4. Any alcoholic liquor intended for delivery to a consumer must be transported in a motor vehicle in the rear of the motor vehicle not within the immediate arm's length of the driver or within a locked cargo area until arrival at the address specified in the order. ~~Only a person making a delivery on behalf of a liquor store, or a liquor delivery support service acting on behalf of a liquor store, is permitted in the vehicle during a delivery.~~ The liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall ensure that any motor vehicle used to make a delivery has automobile liability insurance and valid motor vehicle registration in Nevada.
5. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall ensure that any person making a delivery on behalf of the liquor store or liquor delivery support service:
- (a) Is not less than 21 years of age;

Underlined material is that portion being added.
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(b) Maintains the delivery log required by this subsection;

~~(c) Possesses a valid work identification card as required by Section 8.24.020;~~

~~(d) Possesses a valid alcohol education card issued by an alcoholic beverage awareness~~

~~(c) program certified under NRS 369~~Has received alcohol awareness training on relevant laws, including those prohibiting buying for or selling alcohol to minors, checking for valid identification documents, and identifying and refusing delivery to intoxicated recipients pursuant to subsection 15(c); and

~~(e)~~(d) Possesses a valid Nevada driver's license.

~~6. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall~~

~~6. ensure that any~~Any independent contractors it retains as a driver to make-making deliveries on behalf of a liquor store or a liquor delivery support service must hold a

county business license pursuant to Section 6.12.447. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall maintain records of independent contractors that must be made available to the Department upon request.

7. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall

make a delivery of alcoholic liquor only to a person 21 years of age or older at the address specified in the order as

the delivery address who is 21 years of age or older. The address specified in the order as the delivery address may be the designated pick-up area of the liquor store. If no person 21 years of age or older is present at the delivery address to accept the order, the liquor store, or liquor delivery support service acting on behalf of the liquor store, shall retain possession of the alcoholic liquor and return it to the liquor store prior to or at the end of their shift~~delivery route.~~

8. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall not make a delivery of alcoholic liquor to a person who appears to show signs of intoxication.

9. Action taken by a liquor delivery support service on behalf of a liquor store to facilitate a sale of liquor by the liquor store, including the soliciting or receiving of an order for alcoholic

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liquor or the delivery of alcoholic liquor on behalf of a liquor store, shall not be deemed a sale, as defined in NRS 369.100, by the liquor delivery support service.

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~~Strikethrough~~ material is that portion being deleted.

10. For each delivery of liquor made by a ~~Each person who makes a delivery, on behalf of a~~ liquor store, or liquor delivery support service acting on behalf of a liquor store, a delivery log shall be maintained ~~a delivery log which includes the~~ following ~~for each delivery of liquor made:~~
- (a) The name of the purchaser;
 - (b) The name and date of birth of the person who accepts delivery as shown on his or her form of identification shown;
 - (c) The street address of the delivery location;
 - (d) The time and date of the purchase and delivery;
 - (e) The signature of the person who accepts the delivery;
 - (f) The business name and address of the liquor store;
 - (g) The name of the delivery person; and
 - (h) A detailed list of the items, including alcoholic beverages, purchased in each sales transaction.
11. A person who makes a delivery, on behalf of a liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall not release the delivery until he or she has been shown an acceptable form of identification by the person who accepts delivery at the address listed on the order as the delivery address. Acceptable forms of identification are a valid driver's license, permanent resident card, tribal identification card or any other written or documentary evidence issued by a governmental entity indicating that the person is 21 years of age or older.
12. A liquor store shall maintain the ~~delivery orders, delivery logs required under subsection 10, receipts, and journals relevant~~ to ~~for~~ each delivery made by the liquor store, or liquor delivery support service acting on behalf

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of the liquor store and preserve those records for at least 4-3 years. All such ~~delivery~~
~~orders.~~

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delivery logs, ~~receipts, and journals~~ shall be exhibited at any time during business hours, upon reasonable notice, to Department and officers of Las Vegas Metropolitan Police Department. Any person preventing or interfering with such inspection shall be guilty of a misdemeanor.

13. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, is responsible for ~~the acts of~~ensuring its agents, employees, subcontractors and independent contractors,

including but not limited to drivers and delivery personnel, ~~are compliant with the provisions of this section.~~ It is the affirmative duty of the

liquor store, or a liquor delivery support service acting on behalf of the liquor store, to conduct all activities in a decent, orderly and respectful manner and shall not knowingly permit activities that endanger the public peace, health, ~~health,~~ safety, order, or welfare.

Liquor delivery is not intended for use at a location/establishment as a means of circumventing the liquor licensing laws. Liquor delivery is not to be conducted in such a manner so as to constitute a permanent or semipermanent activity at a particular location/establishment that would require its own liquor license or additional liquor license pursuant to the requirements of this chapter.

14. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall not deliver alcoholic liquor to:

(a) Any location ~~in an H-1 zone~~that is a resort hotel, as defined in 8.04.010.145;

(b) Any location licensed for the retail sale of beer, wine, and liquor or the retail sale of package liquor or package beer and wine;

(c) Any property owned or maintained by the Clark County department of aviation;

(d) Any school property, any place wherein a school is conducted;

Underlined material is that portion being added.
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(e) Any location that does not have a permanent address that includes a street name and number.

15. Prior to accepting any orders for the sale and delivery of liquor, a liquor store or a liquor delivery support service acting on behalf of a liquor store shall adopt and provide to the Department upon request a policy with procedures to:

(a) Prevent minors from obtaining the liquor store's alcoholic beverages during the delivery process;

(b) Ensure proper documentation of deliveries; and

(c) Provide persons making deliveries with training on relevant state and local laws pertaining to the delivery of liquor, ~~including but not limited to this section and Chapter 369 of the Nevada Administrative Code.~~

All changes to the written policy submitted to the Department must be reported to the Director within ten working days prior to implementation of the new policy.

SECTION SIX. Title 8, Chapter 8.24, Subsection 8.24.020 of the Clark County Code is hereby amended to read as follows:

8.24.020 Work identification card required.

(A) It shall be unlawful for any establishment employing nongaming employees as defined by Section 8.24.010(B) to employ any person defined in said section unless such person is the holder of a valid work identification card issued in conformity with the provisions of Title 6, Chapter 6.10 of this code. It shall be unlawful for any person to be employed as a nongaming employee as defined in Section 8.24.010 in or by a gaming, liquor, dancehall or escort establishment whether licensed as such or not, ~~or by a liquor delivery support service as defined in Section 8.20.020.187,~~ or to work as an escort unless such person has a valid work

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identification card. A work card is required for each specific establishment or business with which a person is employed or for which a person performs compensated services, and must be carried upon the person at all times said person is working or employed in the occupation and for the employer for which the card was issued. The work identification card issued pursuant to this chapter shall not be defaced or modified by the employer or holder of the work identification card.

(B) All owners, key employees, officers, directors, managers of a limited liability company and stockholders actively engaging in the management and operation of a liquor business must obtain and be a holder of a valid work identification card as required pursuant to Section 8.20.220. The work identification card shall be carried upon the person at all times.

SECTION SEVEN. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION EIGHT. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION NINE. This ordinance shall take effect and be in force after its passage and the publication thereof by title only, together with the names of the County Commissioners

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voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2024.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

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LIQUOR AND GAMING LICENSING BOARD

BY: _____
WILLIAM McCURDY II, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2024.

ATTACHMENT 4

RESPONSE #2



June 17, 2024

Via Email to: PublicCommentCCBL@ClarkCountyNV.gov

Clark County Department of Business License
Attn: Vincent V. Queano, Director
500 South Grand Central Pkwy., 3rd Floor
Las Vegas, NV 89155

RE: Retailer Support of Third-party Alcoholic Beverage Delivery

Dear Director Queano:

Please accept this letter on behalf of the below Clark County grocery store businesses, including Whole Foods Markets and Walmart (the “Grocery Stores” or “we”) This letter is to advise you that the Grocery Stores strongly support Clark County expanding alcoholic beverage delivery opportunities for licensed retailers. We are eager for the opportunity to utilize the services of third-party delivery companies for alcoholic beverages in addition to the other groceries that are currently delivered to our customers by use of such services.

Our customers simply desire the convenience of ordering and receiving deliveries of alcoholic beverages along with the other grocery and retail goods already being delivered by third-parties. Also, our customers in many other states and some jurisdictions in Nevada are accustomed to using third-parties to receive alcoholic beverages with their orders from our stores and we are unable to meet customer expectations in Clark County at this time.

As members of the Clark County grocery store and liquor industry, we believe that providing third-party delivery companies with the ability to apply for a privilege delivery license will allow us to better serve the needs and desires of the Clark County community. We have needed to use the expertise of third-party companies to meet increased demand while keeping costs low.

The Grocery Stores further have many additional locations in the adjacent licensing jurisdictions of the incorporated cities of Las Vegas and Henderson, which have recently enacted third-party alcohol delivery ordinances. We look forward to the opportunity to have consistent regulations among these jurisdictions in compliance with recently enacted state law.¹

¹ See Nevada Revised Statutes (“NRS”) § 369.489 and LCB File No. R068-21, December 29, 2022, available here: <https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/TaxLibrary/R068-21AP.pdf>.

We support the intent of the County’s proposed ordinance providing for new regulations regarding delivery of alcoholic beverages (the “Bill”). There are, however, specific provisions in the Bill that we believe would present significant operational challenges. The Grocery Stores, therefore, respectfully request the following changes to the language of the Bill:²

(1) The Requirement for Delivery Personnel to Obtain Work Cards is Impractical and Unnecessary

As currently drafted, the Bill requires any person who delivers alcoholic beverages on behalf of a grocery store, liquor store, or liquor delivery support service (each, a “Licensee”) to possess a work card as required by Clark County Code (“CCC”) Section 8.24.020. For several reasons outlined below, this requirement would be highly impractical, if not impossible to comply with. While we understand the intention for the inclusion of such requirements in the Bill, we believe those concerns can be better addressed in other ways that are more practical and consistent with the practices in other jurisdictions throughout the country and locally in Southern Nevada.

A. Because Most Delivery Personnel will be Independent Contractors, the Clark County Code would not, as a Practical Matter, Permit Compliance with the Work Card Requirements.

The work card requirement would prevent the Grocery Stores from conducting alcohol delivery via licensed third-party partners. Existing code only contemplates work cards for *employees* of certain businesses; it does not contemplate *independent contractors* who may provide services on behalf of various licensed businesses. In this regard, existing code requires a person applying for a work card to “obtain a referral slip from his prospective employer which shall be signed by the payroll officer or his prospective supervisor.”³ Moreover, certain duties are imposed upon “employers” of persons required to have work cards.⁴

Drivers who would potentially deliver alcoholic beverages on behalf of the Grocery Stores would be independent contractors, who oftentimes “multi-platform,” making deliveries on behalf of several different businesses. It is common for an independent contractor driver to contract with multiple third-party delivery companies at the same time without being an employee. This business model provides great flexibility for the drivers. Some drivers may only make one delivery a month, while others may make multiple deliveries on behalf of different businesses in a single day. Because the drivers are independent contractors, they cannot obtain a work card referral from any particular company as their employer.

B. Strict Security Protocols can be Implemented to Independently Screen Drivers

It’s our understanding that the third-party delivery companies that we would use to deliver alcohol have screening policies in place confirming that alcohol delivery personnel do not have

² A redline draft of the Bill incorporating these requested revisions is attached to the correspondence as Exhibit A. Please note that the substantive requested revisions are discussed in detail in this correspondence, but there are a few other requested revisions in the attached redline related to “typos” or clarity that should speak for themselves.

³ CCC 8.24.030(A).

⁴ See e.g., CCC 8.24.020(A) & CCC 8.24.090.

criminal histories. Instead of requiring work cards for drivers, the Bill could instead require each business seeking approval to deliver alcohol to demonstrate how it screens drivers (e.g., DMV and/or other criminal background checks).

C. Even without Work Cards, the Bill Requires Sufficient Protocols to Prevent Illegal Deliveries.

The Bill requires each Licensee to adopt a policy with procedures specifically to prevent deliveries to minors, ensure proper documentation is obtained, and that delivery personnel are properly trained. These requirements provide the Business License Department with appropriate flexibility and discretion to ensure that each individual business has sufficient safety protocols in place to prevent illegal deliveries. These requirements, without an additional driver work card requirement, would allow for technological innovation and greater safety as new ways of electronically monitoring alcoholic beverage deliveries are developed.

The Grocery Stores take alcohol compliance very seriously and have proven track records of compliance in many other jurisdictions. The proposed work card requirement does not consider technological advancements that allow every delivery to be monitored in real time. Unlike an employee selling liquor in the store only under human supervision, app-based delivery drivers are subject to technological strict security controls to ensure that the correct alcoholic beverages are delivered to the correct customers. Each applicant for a delivery license should be permitted to demonstrate to Business License its delivery policies to prevent illegal deliveries.

D. The Proposed Work Card Requirement is Far More Burdensome than any Requirement in any other Jurisdiction in the Country which Allows Alcohol Delivery.

The Grocery Stores are presently licensed or otherwise authorized to sell alcohol over the internet for delivery in many other jurisdictions throughout the United States. We are aware of no other jurisdiction which requires work cards or anything similar for independent contractor delivery personnel. While we appreciate that Clark County has unique interests and concerns related to alcohol sales, for the reasons further discussed herein, we do not believe that work cards are necessary for such purposes.

Back in 2019, the neighboring City of Las Vegas (the “City”) presented a draft ordinance allowing for expanded alcohol delivery privileges similar in form to this Bill. An early draft of the City’s delivery ordinance similarly required work cards but was ultimately amended to remove such requirement due to the impossibility of compliance. Consistency between jurisdictions in the context of delivery is paramount to operational feasibility.

E. Clark County Permits Other Businesses to Deliver Alcoholic Beverages without Requiring Drivers to Obtain Work Cards.

Clark County currently permits other businesses to have drivers delivering alcoholic beverages without possessing work cards. For example, the County does not require persons delivering alcoholic beverages on behalf of licensed wholesalers to hold work cards. Additionally, the County does not require common carrier delivery drivers to hold work cards even if they are delivering shipments of alcoholic beverages to Clark County residents.

Under existing code, the Grocery Stores can be authorized to deliver alcohol using employees without the need for drivers to have work cards. This new requirement for work cards places a significant regulatory burden not only on those of us that may use independent contractors, but further those of us that currently and intend to continue to use employees for delivery. If work cards hadn't been required in the past for delivery personnel, they shouldn't be required going forward.

For the above reasons, we respectfully request that the work card requirement be removed from the Bill, as it is operationally impractical to comply with and can be addressed through other means.

(2) Delivery of Alcohol Should be Restricted only to Resort Hotels, not to all H-1 Zoned Property

As drafted, the Bill prohibits liquor deliveries to locations in H-1 Zones,⁵ with a limited exception for grocery stores only to be able to deliver to “residences” therein. While the intent behind this provision is understandable, technically complying with this type of provision is operationally challenging, bordering on impossible. For example, at the time an order is placed, a licensee has no effective way to independently verify the zoning of a delivery address (as zoning can change during the development process) nor whether it is a “residence.”

The only way a Licensee can verify with certainty whether a proposed delivery address is in a H-1 Zone and/or a “residence” is to call a County Planner to confirm before making each delivery, which is operationally impractical, and likely does not support the intent of the Bill.

Both the cities of Las Vegas and Henderson addressed a similar challenge when their delivery ordinances were initially introduced and ultimately both jurisdictions determined that the best course of action was to restrict deliveries only to resort hotels. Licensees would be able to comply with this requirement by simply excluding the addresses for each resort hotel to prevent alcohol deliveries to these locations.

We understand that there may be other concerns regarding alcohol deliveries around the Strip in particular. However, those concerns should be adequately addressed by other provisions in the Bill, including subsection 14(b) prohibiting delivery to a location holding a retail license (which would include resort hotels and various other businesses in the resort corridor) and subsection 14(e) prohibiting delivery to any location that doesn't have a permanent address including a street name/number (meaning no deliveries on the street or parking garages etc.)

We respectfully propose that Clark County adopt a similar provision to the neighboring jurisdictions, which is both operationally feasible, and also provides consistency among the Southern Nevada jurisdictions.

⁵ We note that it is our understanding that Title 30 of the CCC was amended in January 2024 and the zoning classification “H-1” is no longer used. We understand the intent to include the resort corridor.

(3) Clarity is Needed Regarding Interjurisdictional Deliveries.

As drafted, the Bill is unclear regarding whether a licensed retailer in a neighboring jurisdiction would be able to deliver alcohol (either on its own or via a licensed third-party) to a customer located in the unincorporated County.

Existing code clearly provides the requirements for grocery stores in adjacent licensing jurisdictions to deliver alcohol into the unincorporated County.⁶ The Bill eliminates this provision, although it appears that the intention is to keep the same requirements. Instead, as drafted, the Bill provides that a Licensee must have a “county business license” and meet “all local licensing requirements to engage in business as a retail for alcoholic liquor in the jurisdiction where [the business] is located and where the delivery occurs.”

Further clarification regarding specifically what “county business license” an out of jurisdiction retailer would need in order to deliver to the County would be helpful.

(4) Additional Impractical Delivery Requirements Impose Direct and Significant Economic Burdens and Would Directly Restrict the Operation or Expansion of Business.

A. Alcohol Awareness Training

As drafted, the Bill extends existing alcohol awareness training requirements for employees⁷ to independent contractors making deliveries on behalf of retailers and/or delivery support services. We understand the clear intention behind this proposed requirement. However, similar to the circumstances of the work cards discussed above, this requirement in the context of independent contractors imposes a direct and significant burden on the industry.

The state-approved alcoholic beverage awareness programs are prepared and approved in the context of brick-and-mortar retail sales and include training not relevant to delivering alcohol. For example, each training program is required to be at least 2 hours and must include training on “methods of preventing and halting fights” and “methods of preventing the entry of minors” into certain establishments.⁸

The vast majority of jurisdictions authorizing alcohol delivery either do not have a specific training requirement or allow companies to provide internal alcohol delivery training in lieu of a state mandated server education course. Internal training provides drivers a delivery-based alcohol education that is specific to the delivery company, or companies, they deliver for, and provides delivery companies the ability to tailor the education course to their systems and processes to better ensure compliance.

Additionally, while the cost of a state approved training program (usually \$40.00) is a reasonable expense for an employee, it is a significant expense for an independent contractor who may only be looking to act as a delivery person for a short period of time. We believe that this

⁶ See CCC 8.20.360(d).

⁷ See CCC 8.20.055 & NRS § 369.630.

⁸ NRS § 369.625(2).

requirement will pose a significant burden to our delivery support service partners, preventing us from offering alcohol delivery.

We are not asking that the County allow alcohol delivery by untrained personnel. Instead, we are requesting that the County allow businesses to provide internal training which specifically address particular requirements (e.g., those required in subsection 15(c)) that are actually relevant to the act of delivery.

B. Locked Cargo Area

The Bill requires liquor intended for delivery to be transported in a motor vehicle “in locked cargo area until arrival at the address specified in the order.” We believe this is an unnecessary requirement since all liquor being delivered will be in the manufacturer’s original sealed container. We have only seen this requirement appear in other jurisdictions in the context of “cocktails to go” which involves delivery of mixed drinks not in the manufacturer’s sealed container and issues related to open-container rules of the road; as the Bill only addresses delivery of package liquor, these concerns should not be applicable.

That said, if the County believes it is a necessary regulatory requirement, we have suggested a minor revision. As currently drafted, the requirement would have the unintended effect of prohibiting deliveries via many common forms of vehicles that do not have a locked cargo area (e.g., SUVs and Mini-Vans). We proposed a minor revision that would ensure that the alcoholic beverages are out of reach of the driver regardless of the type of vehicle used.

C. Other Passengers

The Bill further prohibits any other passenger from being in the vehicle while a liquor delivery is being made. Most notably, it is impractical for any business to reasonably enforce this requirement and it doesn’t appear to serve a clear purpose. It would also pose a significant burden on the independent contractor drivers, many of which may make deliveries on occasion while running other errands with family. This would prohibit a working parent, with no childcare, from delivering groceries on the side.

D. Driver’s License and Vehicle Registration

We support the requirement that delivery personnel possess valid driver’s licenses and that each vehicle they use to make a delivery has automobile liability insurance and valid vehicle registration. This should go without saying – there are clear existing laws on these matters. Just as there would be no need for the Business License Code to provide that delivery personnel must obey the speed limit, it is superfluous to require compliance with existing/applicable state laws regarding licenses and registration.

There are, however, existing state laws that proscribe the circumstances in which a driver’s out-of-state license or vehicle registration are valid under Nevada law, e.g., drivers who may have just moved to Nevada, university students whose primary residence is out of state, border state employees or seasonal residents.⁹

⁹ See e.g., NRS § 483.141(2).

Rather than request that the Bill include all the exemptions and minutia existing in state law related to driver's licenses and registration, we have requested simple revisions to simply ensure that the driver's license and vehicle registration are valid.

E. Independent Contractor Driver Business Licenses

Section 6.12.447 of the CCC presently requires independent contractor delivery drivers to each obtain their own Clark County business license. The Bill places a significant regulatory burden on Licensees to become the enforcers of this requirement, requiring that the Licensee to "ensure" that each independent contractor holds such license. This is operationally unfeasible as part of onboarding processes.

Instead, we have suggested a revision which reiterates the requirement that the drivers obtain such license pursuant to 6.12.447. At the very least, we would request that this requirement be revised to mirror the provision in 6.12.722 applicable to motor transportation network companies ("TNCs"). There, the CCC merely provides: "The TNC shall notify each driver of the requirement to obtain a county business license pursuant to Section 6.12.447 of the code and if the TNC becomes aware, or is notified by the department, that a driver does not possess a valid county business license, the TNC shall terminate that driver's access to the digital network or software applications service." There is no requirement that a TNC "ensure" that each driver holds such license, only that they terminate the driver's access if notified by the Business License Department.

F. Record Retention

The Bill requires certain records to be retained for a period of 4 years. In order to provide consistency with other record retention requirements in the CCC, we ask that this requirement be revised to 3 years.¹⁰

G. Responsibility for Drivers

Finally, the provisions in the Bill providing that each licensee is responsible for the actions of the delivery drivers are overbroad. We have suggested a minor revision, which would instead have the licensee be responsible for ensuring the delivery drivers comply with the liquor delivery code provisions.

Our concern is that as presently drafted, the Bill could be interpreted to unintentionally create liability for the Licensees for any actions of the independent contractors, even actions that may be entirely unrelated to any delivery.

¹⁰ See CCC 6.08.090(f) requiring retention of gross sales receipts for 3 years.

The Grocery stores appreciate the County's consideration of these proposed changes to the Bill as further detailed in the attached "redline" draft. Please feel free to contact us should you have any questions.

Sincerely,



Ryan N. Saxe, Esq.
Saltzman Mugan Dushoff
Counsel for each of the below Grocery Stores:

WFM Southern Nevada, Inc. dba Whole Foods Market
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Lic #2001249.LIQ-109
3615 S. Rainbow Blvd.
Lic# 2000987.LIQ-109
6973 Blue Diamond Rd.
Lic# 2004066.LIQ-109
2310 E. Serene Ave.
Lic# 1001904.LIQ-109
5198 Boulder Hwy.
Lic# 2001210.LIQ-109
1400 S. Lamb Blvd.
Lic# 2000730.LIQ-109
7445 S. Eastern Ave.
Lic# 2001080.LIQ-109
7200 Arroyo Crossing Pkwy.
Lic# 2001598.LIQ-109
3075 E. Tropicana Ave.
Lic# 2001765.LIQ-109
5200 S. Fort Apache Rd.
Lic# 2000382.LIQ-109
490 E. Silverado Ranch Blvd.
Lic# 2000671.LIQ-109
6570 E. Lake Mead Blvd.
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EXHIBIT A

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BILL NO. _____

SUMMARY – An ordinance to amend Clark County Code Title 8, Chapter 8.20 and Chapter 8.24 regarding the handling, transport, and delivery of liquor; adding a new section to provide for the licensure of liquor delivery support services; revising the exceptions for the off-premise delivery of alcohol by package liquor licensees to include liquor stores, grocery stores, and liquor delivery support services; adding a section to prohibit the employment of minors to sell or handle liquor; establishing operational requirements for the delivery of liquor to a consumer in certain areas by a grocery store, liquor store, or a liquor delivery support service; requiring work identification cards for any person employed by a liquor delivery support service; and providing for other matters properly related thereto.

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 8, CHAPTER 8.20 AND CHAPTER 8.24 REGARDING THE HANDLING, TRANSPORT, AND DELIVERY OF LIQUOR; ADDING A NEW SECTION TO PROVIDE FOR THE LICENSURE OF LIQUOR DELIVERY SUPPORT SERVICES; REVISING THE EXCEPTIONS FOR THE OFF-PREMISE DELIVERY OF ALCOHOL BY PACKAGE LIQUOR LICENSEES TO INCLUDE LIQUOR STORES, GROCERY STORES, AND LIQUOR DELIVERY SUPPORT SERVICES; ADDING A SECTION TO PROHIBIT THE EMPLOYMENT OF MINORS TO SELL OR HANDLE LIQUOR; ESTABLISHING OPERATIONAL REQUIREMENTS FOR THE DELIVERY OF LIQUOR TO A CONSUMER IN CERTAIN AREAS BY A GROCERY STORE, LIQUOR STORE, OR A LIQUOR DELIVERY SUPPORT SERVICE; REQUIRING WORK IDENTIFICATION CARDS FOR ANY PERSON EMPLOYED BY A LIQUOR DELIVERY SUPPORT SERVICE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

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THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 8, Chapter 8.20 of the Clark County Code is hereby amended by adding a new Section 8.20.020.187 to read as follows:

8.20.020.187 Liquor delivery support service.

"Liquor delivery support service" means a business established for the delivery of alcoholic liquor, beer, wine, and spirit based products to an individual purchaser on behalf of a licensed liquor store or grocery store pursuant to a written agreement and to the extent permitted by Section

8.20.360 and Section 8.20.361 of this code. A liquor delivery support service that desires to operate within the jurisdiction of Clark County is required to apply for and obtain a county business license for a liquor delivery support service. Each applicant must:

- (a) Submit a completed application on a form approved by the Director of Business License;
- (b) Pay a non-refundable application fee as provided by Section 6.08.030 of this Code;
- (c) Comply with the requirements for the delivery of liquor set forth in Section 8.20.360 and Section 8.20.361 of this code, including the submission of all required documents; and
- (d) Complete a background investigation and obtain a finding of suitability pursuant to Clark County Code Section 8.20.030.

A liquor delivery support service shall pay a license fee of one thousand five hundred dollars annually. A liquor delivery support service shall maintain a current list of all liquor stores and grocery stores with which it has entered into written agreements for liquor delivery support services as permitted by this Section and Sections 8.20.360 through 8.20.361 of this code. Said list shall be available during all business hours for inspection by licensing officials and law enforcement officers.

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SECTION TWO. Title 8, Chapter 8.20, Subsection 8.20.020.250 of the Clark County Code is hereby amended to read as follows:

8.20.020.250 Package licenses.

- (a) All "package licenses" permit the sale of alcoholic liquors, beer, wine, and spirit based products in unopened original containers for consumption off-premises only; however, on-premises wine, beer, cordial and liqueur tasting is permitted at a liquor store if the licensee also holds a wine, beer, cordial and liqueur tasting license for that location. Alcoholic liquor sold under a package license in a resort hotel or hotel may be consumed only away from the licensed premises which includes all hotel areas other than guest rooms.
- (b) Except when issued in conjunction with taverns licensed by the Clark County department of business license that have been approved for a package license prior to January 1, 2018, main bars and in resort hotels and hotels under subsection 8.20.020.265(a)(14), no package license shall be granted to any establishment having less than one thousand two hundred square feet of floor space, exclusive of warehouse and office space, devoted to the display of merchandise for sale to the public.
- (c) It is unlawful for any licensee to provide window or drive-thru service or deliver alcohol outside the licensed portion of the building except for: (1) delivery pursuant to a package beer keg license; (2) room service delivery of alcoholic liquor in unopened original containers in a resort hotel by a licensee holding a main bar license and package license in that resort hotel; ~~and (3) a grocery store licensed for the Internet internet sale and delivery of alcohol pursuant to Section 8.20.360~~ (3) delivery by a licensed grocery store or a liquor delivery support service pursuant to Section 8.20.360 of this code; and (4) delivery by a

Underlined material is that portion being added.
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licensed liquor store or liquor delivery support service pursuant to Section 8.20.361 of this code.

- (d) Nothing in this chapter prohibits the holder of a liquor store license, as defined in subsection 8.20.020.190 of this code, or a brew pub, as defined in subsection 8.20.020.040 of this code, or a main bar, as defined in subsection 8.20.020.210 of this code in a resort hotel, from dispensing beer or cider in a growler sold or provided by the licensee, or a clean, sanitary growler provided by the customer, with a maximum capacity which does not exceed one gallon (128 ounces) subject to the following conditions:
- (1) Only the licensee or the licensee's employee shall fill the growler at the time of sale;
 - (2) The licensee or licensee's employee that fills the growler must be at least twenty-one years of age and must have a valid ~~an~~ alcohol education ~~awareness~~ card in accordance with Section 8.20.055 of this code;
 - (3) The growler shall be filled only at the time of the in-person sale to the consumer;
 - (4) The growler shall be filled only with beer or cider from the original container procured from a duly licensed wholesaler or, if licensee is a brew pub, from original containers where beer or cider that is manufactured on the premises is stored;
 - (5) The beer or cider is not consumed on the licensee's premises;
 - (6) The growler is sealed with a plastic adhesive or tamper-evident seal; and
 - (7) The growler shall be affixed with a label or hang tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch:

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- (a) Brand name of the product dispensed;
- (b) Name of brewer or bottler;
- (c) Class of product (e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage); and
- (d) Net contents (e.g. ounces, liters, etc.).

SECTION THREE. Title 8, Chapter 8.20 of the Clark County Code is hereby amended by adding a new Section 8.20.357 to read as follows:

8.20.357 Employment of Minors to Sell or Handle Liquor Prohibited.

It is unlawful for any licensee to employ any minor person to sell or handle any alcoholic liquor of any kind, or to permit any minor person to handle such liquor in his place of business in any way, regardless of whether such place of business may be a duly licensed restaurant, eating establishment of any kind, drugstore, grocery store, shopping center, supermarket, hotel, import-wholesaler beverage licensee, package liquor establishment, tavern or other license, and whenever such practice is permitted, the license of such licensee may be suspended or revoked; provided, however, that grocery store, shopping center, and supermarket licensees affording "box-boy" or other transfer service from the place of sale to the vehicle of the purchaser shall be responsible under the foregoing prohibition only until the sale is completed, and that minors may nevertheless carry or transfer alcoholic liquors from the place of such consummated sale to the vehicle of the purchaser, in which event such purchaser shall be deemed to have assumed full and complete ownership of and responsibility for such alcoholic liquor.

SECTION FOUR. Title 8, Chapter 8.20, Section 8.20.360 of the Clark County Code is hereby amended to read as follows:

Underlined material is that portion being added.
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8.20.360 ~~Transport~~ Delivery of liquor by a grocery store.

~~(a) It is unlawful for any licensee to employ any minor person to sell or handle any alcoholic liquor of any kind, or to permit any minor person to handle such liquor in his place of business in any way, regardless of whether such place of business may be a duly licensed restaurant, eating establishment of any kind, drugstore, grocery store, shopping center, supermarket, hotel, import wholesaler beverage licensee, package liquor establishment, tavern or other license, and whenever such practice is permitted, the license of such licensee may be suspended or revoked; provided, however, that grocery store, shopping center, and supermarket licensees affording "box boy" or other delivery service from the place of sale to the conveyance of the purchaser shall be responsible under the foregoing prohibition only until the sale is completed, and that minors may nevertheless carry or transport alcoholic liquors from the place of such consummated sale to the conveyance of the purchaser, in which event such purchaser shall be deemed to have assumed full and complete ownership of and responsibility for such alcoholic liquor.~~

~~(b) The following words shall have the meaning ascribed to them for the purposes of this section:~~

~~"Delivery" means the transportation of goods from the retail store where those goods were purchased to the purchaser's location:~~

~~"Internet" means a global network of computers, connected to one another through the use of common electronic communications protocols.~~

~~(c) Notwithstanding other provisions in this code, a licensee approved by the licensing board for the off premises retail sale of package liquor and package beer, wine and spirit based products in conjunction with a grocery store may petition to the board for approval to sell~~

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~~package liquor and package beer, wine and spirit based products over the Internet for delivery to the purchaser subject to the following regulations:~~

- ~~(1) The licensee must adopt a policy, pursuant to NRS 202.055, to prevent minors from obtaining the licensee's alcoholic beverages through the use of the Internet;~~
- ~~(2) A copy of that policy must be submitted, along with the petition requesting approval to conduct Internet sales of package alcohol, to the director along with an application processing fee of five hundred dollars;~~
- ~~(3) Delivery of the alcoholic beverages may only be made to the person placing the Internet purchase order;~~
- ~~(4) The person placing the Internet purchase order must be of legal age to purchase alcoholic liquor;~~
- ~~(5) Each Internet sales transaction shall have written documentation of the sale and delivery on forms acceptable to the Director, which shall include at a minimum:
 - ~~(a) The business name and address of the grocery store;~~
 - ~~(b) A detailed list of the items, including alcoholic beverages, purchased in each sales transaction;~~
 - ~~(c) The name and address of the purchaser;~~
 - ~~(d) The type of identification used to prove the age of the purchaser; and~~
 - ~~(e) The signature of the delivery person and the purchaser involved in the sales transaction;~~~~
- ~~(6) All changes to the written policy submitted to the department must be reported to the director within ten working days prior to implementation of the new policy;~~

Underlined material is that portion being added.
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~~(7) The board reserves the right, through the director, to implement reviews and audits necessary to ensure compliance with these regulations.~~

~~(d) Grocery stores in adjacent licensing jurisdictions that hold valid liquor licenses for the Internet sale and delivery of alcohol within their respective jurisdictions may deliver alcohol into the unincorporated area of Clark County provided those stores: (1) apply for and maintain a Clark County interjurisdictional general business license pursuant to Chapter 6.12 of this code; and (2) comply with all requirements of subsection (c) of this section except the city licensee is exempt from the application processing fee as identified in subsection (c)(2) of this section and in lieu of filing a petition to the director, the applicant must submit a copy of the applicant's city business license as proof that the applicant holds a valid liquor license for the Internet sale and delivery of alcohol within an adjacent licensing jurisdiction.~~

1. The following words shall have the meaning ascribed to them for the purposes of this section:

(a) "Delivery" means the transportation of goods from the retail store where those goods were purchased to the purchaser's location.

(b) "Internet" means a global network of computers, connected to one another through the use of common electronic communications protocols.

(c) "Marketing area" shall have the meaning ascribed to it in NRS 597.136 and means the area where a wholesaler sells a product of a supplier pursuant to the terms, provisions, and conditions of a franchise.

2. Notwithstanding other provisions in this code, a grocery store licensed for the retail sale of package liquor and package beer, wine, and spirit based products, or a liquor delivery support

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service acting on behalf of such a grocery store, may accept orders for and deliver alcoholic liquor in its original package to a consumer pursuant to this section and NRS 369.489, only if:

- (a) The alcoholic liquor is not for resale;
- (b) The original package of alcoholic liquor originates from the premises of the grocery store making the sale;
- (c) The alcoholic liquor is sold by the grocery store;
- (d) The grocery store has a county business license and has met all local licensing requirements to engage in business as a retailer of alcoholic liquor in the jurisdiction

where the grocery store is located and where the delivery occurs. Grocery stores in adjacent licensing jurisdictions that hold valid liquor licenses for the delivery of alcohol within their respective jurisdictions may deliver alcohol into the unincorporated area of Clark County provided those stores: (1) apply for and maintain a Clark County interjurisdictional general business license pursuant to Chapter 6.12 of this code; and (2) comply with all requirements of this section except the city licensee is exempt from the application processing fee and in lieu of filling a petition to the director, the applicant must submit a copy of the applicant's city business license as proof that the applicant holds a valid liquor license for the sale and delivery of alcohol within an adjacent licensing jurisdiction.;

- (e) The alcoholic liquor was purchased by the grocery store from a wholesaler in compliance with the marketing area of the wholesaler;
- (f) The delivery originates during the posted business hours of the grocery store; and
- (g) In the case of a liquor delivery support service acting on behalf of a grocery store, the liquor delivery support service has entered into a written agreement with the grocery store to deliver alcoholic liquor to consumers on behalf of the grocery store.

3. A grocery store or its agent may accept an order for the sale and delivery of liquor pursuant to this section that is made in person, is submitted in writing or is made by telephone or through the Internet.

4. Any alcoholic liquor intended for delivery to a consumer must be transported in a motor

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vehicle in the rear of the motor vehicle not within the immediate arm's length of the driver or within a locked cargo area until arrival at the address specified in the order. Only a person

making a delivery on behalf of a grocery store, or a liquor delivery support service acting on behalf of a grocery store, is permitted in the vehicle during a delivery. The grocery store, or a

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liquor delivery support service acting on behalf of a grocery store, shall ensure that any motor vehicle used to make a delivery has automobile liability insurance and valid motor vehicle registration in Nevada.

5. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall ensure that any person making a delivery on behalf of the grocery store or liquor delivery support service:

(a) Is not less than 21 years of age;

(b) Maintains the delivery log required by this subsection;

~~(b)(c)~~

~~(c) Possesses a valid work identification card as required by Section 8.24.020;~~

~~(d) Possesses a valid alcohol education card issued by an alcoholic beverage awareness program certified under NRS 369~~Has received alcohol awareness training on relevant laws, including those prohibiting buying for or selling alcohol to minors, checking for valid identification documents, and identifying and refusing delivery to intoxicated recipients pursuant to subsection 15(c); and

~~(e)(d)~~ Possesses a valid Nevada driver's license.

~~6. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall~~
~~ensure that a~~Any independent contractors it retains as a driver to make making deliveries on behalf of a grocery store or a liquor delivery support service must holds a

county business license pursuant to Section 6.12.447. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall maintain records of independent contractors that must be made available to the Department upon request.

7. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall make a delivery of alcoholic liquor only to a person 21 years of age or older at the address specified in the order as

the delivery address who is 21 years of age or older. The address specified in the order as the

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delivery address may be the designated pick-up area of the grocery store. If no person 21 years of age or older is present at the delivery address to accept the order, the grocery store, or liquor delivery support service acting on behalf of the grocery store, shall retain

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possession of the alcoholic liquor and return it to the grocery store prior to or at the end of their delivery route

shift.

8. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall not make a delivery of alcoholic liquor to a person who appears to show signs of intoxication.
 9. Action taken by a liquor delivery support service on behalf of a grocery store to facilitate a sale of liquor by the grocery store, including the soliciting or receiving of an order for alcoholic liquor or the delivery of alcoholic liquor on behalf of a grocery store, shall not be deemed a sale, as defined in NRS 369.100, by the liquor delivery support service.
 10. ~~Each person who makes a delivery, on behalf of~~For each delivery of liquor made by a grocery store, or liquor delivery support service acting on behalf of a grocery store, a delivery log shall be maintained ~~a delivery log which includes the~~ following for each delivery of liquor made:
- (a) The name of the purchaser;
 - (b) The name and date of birth of the person who accepts delivery as shown on his or her form of identification shown;
 - (c) The street address of the delivery location;
 - (d) The time and date of the purchase and delivery;
 - (e) The signature of the person who accepts the delivery;
 - (f) The business name and address of the grocery store;
 - (g) The name of the delivery person; and
 - (h) A detailed list of the items, including alcoholic beverages, purchased in each sales transaction.

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11. A person who makes a delivery, on behalf of a grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall not release the delivery until he or she has been shown an acceptable form of identification by the person who accepts delivery at the address listed on the order as the delivery address. Acceptable forms of identification are a valid driver's license, permanent resident card, tribal identification card or any other written or documentary evidence issued by a governmental entity indicating that the person is 21 years of age or older.

12. A grocery store shall maintain the ~~delivery orders, delivery logs~~ required under subsection 10, receipts, and journals ~~relevant to for~~ each delivery made by the grocery store, or liquor delivery support service acting on behalf of the grocery store and preserve those records for at least ~~4~~3 years. All such ~~delivery orders, delivery logs, receipts, and journals~~ shall be exhibited at any time during business hours, upon reasonable notice, to Department and officers of Las Vegas Metropolitan Police Department. Any person preventing or interfering with such inspection shall be guilty of a misdemeanor.

13. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, is responsible for ~~the acts of~~ ensuring its agents, employees, subcontractors and independent contractors, including but not limited to drivers and delivery personnel, are compliant with the provisions of this section. It is the affirmative duty of the grocery store, or a liquor delivery support service acting on behalf of the grocery store, to conduct all activities in a decent, orderly and respectful manner and shall not knowingly permit activities that endanger the public peace, health, ~~health,~~ safety, order, or welfare. Liquor delivery is not intended for use at a location/establishment as a means of

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circumventing the liquor licensing laws. Liquor delivery is not to be conducted in such a manner so as to constitute a permanent or semipermanent activity at a particular

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location/establishment that would require its own liquor license or additional liquor license pursuant to the requirements of this chapter.

14. A grocery store, or a liquor delivery support service acting on behalf of a grocery store, shall not deliver alcoholic liquor to:

(a) Any location ~~other than a residence in an H-1 zone~~ that is a resort hotel, as defined in 8.04.010.145;

(b) Any location licensed for the retail sale of beer, wine, and liquor or the retail sale of package liquor or package beer and wine;

(c) Any property owned or maintained by the Clark County department of aviation;

(d) Any school property, any place wherein a school is conducted;

(e) Any location that does not have a permanent address that includes a street name and number.

15. Prior to accepting any orders for the sale and delivery of liquor, a grocery store or a liquor delivery support service acting on behalf of a grocery store shall adopt and provide to the Department upon request a policy with procedures to:

(a) Prevent minors from obtaining the grocery store's alcoholic beverages during the delivery process;

(b) Ensure proper documentation of deliveries; and

(c) Provide persons making deliveries with training on relevant state and local laws pertaining to the delivery of liquor, ~~including but not limited to this section and Chapter~~

~~369 of the Nevada Administrative Code.~~

All changes to the written policy submitted to the Department must be reported to the Director within ten working days prior to implementation of the new policy.

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SECTION FIVE. Title 8, Chapter 8.20 of the Clark County Code is hereby amended by adding a new Section 8.20.361 to read as follows:

8.20.361 Delivery of liquor by a liquor store.

1. The following words shall have the meaning ascribed to them for the purposes of this section:

(a) "Delivery" means the transportation of goods from the retail store where those goods were purchased to the purchaser's location.

(b) "Internet" means a global network of computers, connected to one another through the use of common electronic communications protocols.

(c) "Marketing area" shall have the meaning ascribed to it in NRS 597.136 and means the area where a wholesaler sells a product of a supplier pursuant to the terms, provisions, and conditions of a franchise.

2. Notwithstanding other provisions in this code, a liquor store or a liquor delivery support service acting on behalf of a liquor store, may accept orders for and deliver alcoholic liquor in its original package to a consumer pursuant to this section and NRS 369.489, only if:

(a) The alcoholic liquor is not for resale;

(b) The original package of alcoholic liquor originates from the premises of the liquor store making the sale;

(c) The alcoholic liquor is sold by the liquor store;

(d) The liquor store has a county business license and has met all local licensing requirements to engage in business as a retailer of alcoholic liquor in the jurisdiction

where the liquor store is located and where the delivery occurs. Liquor stores in adjacent licensing jurisdictions that hold valid liquor licenses for the delivery of alcohol within their respective jurisdictions may deliver alcohol into the unincorporated area of Clark County provided those stores: (1) apply for and maintain a Clark County interjurisdictional general business license pursuant to Chapter 6.12 of this code; and (2) comply with all requirements

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of this section except the city licensee is exempt from the application processing fee and in lieu of filling a petition to the director, the applicant must submit a copy of the applicant's city business license as proof that the applicant holds a valid liquor license for the sale and delivery of alcohol within an adjacent licensing jurisdiction.;

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- (e) The alcoholic liquor was purchased by the liquor store from a wholesaler in compliance with the marketing area of the wholesaler; and
 - (f) The delivery originates during the posted business hours of the liquor store;
 - (g) The delivery originates from a liquor store where the total square footage of the non-retail floor space is no more than twenty-five percent (25%) of the total square footage of the liquor store; and
 - (h) In the case of a liquor delivery support service acting on behalf of a liquor store, the liquor delivery support service has entered into a written agreement with the liquor store to deliver alcoholic liquor to consumers on behalf of the liquor store.
3. A liquor store or its agent may accept an order for the sale and delivery of liquor pursuant to this section that is made in person, is submitted in writing or is made by telephone or through the Internet.
4. Any alcoholic liquor intended for delivery to a consumer must be transported in a motor vehicle in the rear of the motor vehicle not within the immediate arm's length of the driver or within a locked cargo area until arrival at the address specified in the order. ~~Only a person making a delivery on behalf of a liquor store, or a liquor delivery support service acting on behalf of a liquor store, is permitted in the vehicle during a delivery.~~ The liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall ensure that any motor vehicle used to make a delivery has automobile liability insurance and valid motor vehicle registration in Nevada.
5. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall ensure that any person making a delivery on behalf of the liquor store or liquor delivery support service:
- (a) Is not less than 21 years of age;

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(b) Maintains the delivery log required by this subsection;

~~(c) Possesses a valid work identification card as required by Section 8.24.020;~~

~~(d) Possesses a valid alcohol education card issued by an alcoholic beverage awareness~~

~~(c) program certified under NRS 369~~Has received alcohol awareness training on relevant laws, including those prohibiting buying for or selling alcohol to minors, checking for valid identification documents, and identifying and refusing delivery to intoxicated recipients pursuant to subsection 15(c); and

~~(e)~~(d) Possesses a valid Nevada driver's license.

~~6. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall~~

~~6. ensure that any~~Any independent contractors it retains as a driver to make-making deliveries on behalf of a liquor store or a liquor delivery support service must hold a

county business license pursuant to Section 6.12.447. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall maintain records of independent contractors that must be made available to the Department upon request.

7. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall

make a delivery of alcoholic liquor only to a person 21 years of age or older at the address specified in the order as

the delivery address who is 21 years of age or older. The address specified in the order as the delivery address may be the designated pick-up area of the liquor store. If no person 21 years of age or older is present at the delivery address to accept the order, the liquor store, or liquor delivery support service acting on behalf of the liquor store, shall retain possession of the alcoholic liquor and return it to the liquor store prior to or at the end of their shift~~delivery route.~~

8. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall not make a delivery of alcoholic liquor to a person who appears to show signs of intoxication.

9. Action taken by a liquor delivery support service on behalf of a liquor store to facilitate a sale of liquor by the liquor store, including the soliciting or receiving of an order for alcoholic

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liquor or the delivery of alcoholic liquor on behalf of a liquor store, shall not be deemed a sale, as defined in NRS 369.100, by the liquor delivery support service.

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10. For each delivery of liquor made by a ~~Each person who makes a delivery, on behalf of a~~ liquor store, or liquor delivery support service acting on behalf of a liquor store, a delivery log shall be maintained ~~a delivery log which includes the~~ following ~~for each delivery of liquor made:~~
- (a) The name of the purchaser;
 - (b) The name and date of birth of the person who accepts delivery as shown on his or her form of identification shown;
 - (c) The street address of the delivery location;
 - (d) The time and date of the purchase and delivery;
 - (e) The signature of the person who accepts the delivery;
 - (f) The business name and address of the liquor store;
 - (g) The name of the delivery person; and
 - (h) A detailed list of the items, including alcoholic beverages, purchased in each sales transaction.
11. A person who makes a delivery, on behalf of a liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall not release the delivery until he or she has been shown an acceptable form of identification by the person who accepts delivery at the address listed on the order as the delivery address. Acceptable forms of identification are a valid driver's license, permanent resident card, tribal identification card or any other written or documentary evidence issued by a governmental entity indicating that the person is 21 years of age or older.
12. A liquor store shall maintain the ~~delivery orders, delivery logs required under subsection 10, receipts, and journals relevant~~ to ~~for~~ each delivery made by the liquor store, or liquor delivery support service acting on behalf

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of the liquor store and preserve those records for at least 4-3 years. All such ~~delivery~~
orders.

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delivery logs, ~~receipts, and journals~~ shall be exhibited at any time during business hours, upon reasonable notice, to Department and officers of Las Vegas Metropolitan Police Department. Any person preventing or interfering with such inspection shall be guilty of a misdemeanor.

13. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, is responsible for ~~the acts of~~ensuring its agents, employees, subcontractors and independent contractors,

including but not limited to drivers and delivery personnel, ~~are compliant with the provisions of this section.~~ It is the affirmative duty of the

liquor store, or a liquor delivery support service acting on behalf of the liquor store, to conduct all activities in a decent, orderly and respectful manner and shall not knowingly permit activities that endanger the public peace, health, ~~health,~~ safety, order, or welfare.

Liquor delivery is not intended for use at a location/establishment as a means of circumventing the liquor licensing laws. Liquor delivery is not to be conducted in such a manner so as to constitute a permanent or semipermanent activity at a particular location/establishment that would require its own liquor license or additional liquor license pursuant to the requirements of this chapter.

14. A liquor store, or a liquor delivery support service acting on behalf of a liquor store, shall not deliver alcoholic liquor to:

(a) Any location ~~in an H-1 zone~~that is a resort hotel, as defined in 8.04.010.145;

(b) Any location licensed for the retail sale of beer, wine, and liquor or the retail sale of package liquor or package beer and wine;

(c) Any property owned or maintained by the Clark County department of aviation;

(d) Any school property, any place wherein a school is conducted;

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(e) Any location that does not have a permanent address that includes a street name and number.

15. Prior to accepting any orders for the sale and delivery of liquor, a liquor store or a liquor delivery support service acting on behalf of a liquor store shall adopt and provide to the Department upon request a policy with procedures to:

(a) Prevent minors from obtaining the liquor store's alcoholic beverages during the delivery process;

(b) Ensure proper documentation of deliveries; and

(c) Provide persons making deliveries with training on relevant state and local laws pertaining to the delivery of liquor, ~~including but not limited to this section and Chapter 369 of the Nevada Administrative Code.~~

All changes to the written policy submitted to the Department must be reported to the Director within ten working days prior to implementation of the new policy.

SECTION SIX. Title 8, Chapter 8.24, Subsection 8.24.020 of the Clark County Code is hereby amended to read as follows:

8.24.020 Work identification card required.

(A) It shall be unlawful for any establishment employing nongaming employees as defined by Section 8.24.010(B) to employ any person defined in said section unless such person is the holder of a valid work identification card issued in conformity with the provisions of Title 6, Chapter 6.10 of this code. It shall be unlawful for any person to be employed as a nongaming employee as defined in Section 8.24.010 in or by a gaming, liquor, dancehall or escort establishment whether licensed as such or not, ~~or by a liquor delivery support service as defined in Section 8.20.020.187,~~ or to work as an escort unless such person has a valid work

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identification card. A work card is required for each specific establishment or business with which a person is employed or for which a person performs compensated services, and must be carried upon the person at all times said person is working or employed in the occupation and for the employer for which the card was issued. The work identification card issued pursuant to this chapter shall not be defaced or modified by the employer or holder of the work identification card.

(B) All owners, key employees, officers, directors, managers of a limited liability company and stockholders actively engaging in the management and operation of a liquor business must obtain and be a holder of a valid work identification card as required pursuant to Section 8.20.220. The work identification card shall be carried upon the person at all times.

SECTION SEVEN. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION EIGHT. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION NINE. This ordinance shall take effect and be in force after its passage and the publication thereof by title only, together with the names of the County Commissioners

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voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2024.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

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LIQUOR AND GAMING LICENSING BOARD

BY: _____
WILLIAM McCURDY II, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2024.

ATTACHMENT 5

RESPONSE #3



10000 W. CHARLESTON BLVD., SUITE 165
LAS VEGAS, NV 89135
PH: (702) 735-4888 FAX: (702) 735-4620

June 17, 2024

The Honorable Tick Segerblom, Chairman
The Honorable William McCurdy II, Vice Chair
The Honorable Michael Naft
The Honorable Marilyn Kirkpatrick
The Honorable Ross Miller
The Honorable Justin Jones
The Honorable James B. Gibson
Board of Clark County Commissioners
Clark County
500 S. Grand Central Pkwy
Las Vegas, NV 89155

RE: Proposed Amendments to CCC 8.20 and 8.24 - Liquor delivery by Grocery Stores, Liquor Stores, and Liquor Delivery Support Services

Dear Commissioners:

I write today on behalf of the members of the Nevada Resort Association, including for purposes of a Business Impact Statement regarding the draft ordinance to amend CCC Chapters 8.20 and 8.24 to provide for the delivery of package liquor and package beer, wine, and spirit-based products by grocery stores, liquor stores, and liquor delivery support services.

As we have noted previously when similar ordinances were proposed, liquor delivery to the resort corridor creates several problems that will impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. These adverse impacts include but are not limited to: potential for increased incidence of underage drinking, adverse impacts to existing privileged gaming or liquor licensees, safety and security issues, increased traffic congestion, and the weakening of safeguards that resorts and operators of other tourism venues and assets have worked hard to put in place, among other concerns.

For these reasons, we appreciate and encourage the preservation of provisions proposed in 8.20.360(14) and 8.20.361(14) that prohibit grocery stores, liquor stores, and a liquor delivery support service from delivering package liquor to the resort corridor. We note that the use of "H-1" in 8.20.360(14)(a) and 8.20.361(14)(a) should be revised to "CR" (Commercial Resort) to reflect recent amendments to the Clark County Unified Development Code (Title 30).

In addition, we respectfully request that 8.20.360(14)(b) be further amended to read:

- *Any location licensed for the retail sale of beer, wine, and liquor or the retail sale of package liquor or package beer and wine, **or a residence located within such licensed location.***

This language is necessary to prevent the unauthorized use of an existing liquor licensee's premises for the transport of package liquor in cases where such premises may include units occupied by both transient and non-transient occupants, such as resort condominiums.

Further, we strongly urge the preservation of provisions within the proposed ordinance requiring that a liquor delivery support service complete a background investigation and obtain a finding of suitability; that detailed records be prepared and maintained for each delivery of package liquor; that affirm a grocery store, liquor store, and liquor delivery support service are responsible for the acts of their agents, employees, subcontractors, and independent contractors, including but not limited to drivers and delivery personnel; and that provide a criminal penalty for non-compliance, under existing Code.

However, we strongly urge the incorporation of provisions that further indicate the serious and critical requirement to ensure that package liquor is not delivered to minors **or to prohibited locations:**

- We strongly propose that 8.20.360(15) and 8.20.361(15) be amended such that prior to accepting any delivery orders, a grocery store, liquor store, or liquor delivery support service shall adopt and provide to the Department a policy with procedures to ensure that liquor is not delivered to prohibited locations including, without limitation, the use of technology to detect and prevent the delivery of alcohol to prohibited locations.
- We strongly propose that 8.20.360(10)(c) and 8.20.361(10)(c) be amended to read *the street address **and zoning district** of the delivery location*. This additional requirement is important and critical to ensuring alcohol is not delivered to the "CR" zoning district and easily verified by using existing publicly available websites.

We recognize and appreciate that the important public policy objective to prohibit the delivery of package liquor by grocery stores, liquor stores, and a liquor delivery support service to the resort corridor is incorporated to the proposed ordinance. We also recognize that prohibition is only as effective as the means of deterrence and commitment to enforcement of violations.

Clark County, local public safety agencies, and the tourism industry continue to prioritize proactive policies to ensure the resort corridor is first and foremost a safe and secure place to work and visit. As such, it is imperative that provisions of the proposed ordinance be further revised to strengthen deterrence and enforcement provisions to prevent liquor deliveries to prohibited locations and thusly ensure that such obligations and burdens do not fall to resort corridor operators and our workforce, who are understandably focused on providing first-in-class guest services and experiences to our visitors, who are crucial to our state and local economies.

Finally, understanding the scope and potential consequences of the proposed ordinance, we respectfully request a stakeholder meeting be held following the county's review of BIS comments. A stakeholder meeting will provide the opportunity for industry representatives to collectively review comments and any proposed revisions to the ordinance before it is introduced to initiate the public hearing process.

Thank you for your consideration on this important matter. We welcome the opportunity to continue working with stakeholders to arrive at a reasonable solution.

Should you have any questions or concerns, please contact me at (702) 735-4888.

Sincerely,

A handwritten signature in black ink, reading "Virginia Valentine". The signature is written in a cursive style and is positioned above a light gray dotted rectangular area.

Virginia Valentine
President

cc: Kevin Schiller, County Manager
Les Lee Shell, Deputy County Manager
Sam Bateman, Deputy County Manager
Vincent Queano, Director of Clark County Department of Business License
Lisa Logsdon, Clark County District Attorney's Office, Civil Division
Andrew Walsh, Undersheriff, Las Vegas Metropolitan Police Department
Steve Connell, Captain, Las Vegas Convention Center Area Command, Las Vegas Metropolitan Police Department

ATTACHMENT 6

RESPONSE #4

From: [Joan Wilks](#)
To: [BL Public Comment](#)
Subject: Liquor license
Date: Saturday, June 8, 2024 10:46:28 AM

I am against allowing the sale of liquor closer than 1500 ft from a church or school.
Joan Wilks