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BILL NO. _____

SUMMARY – An ordinance to amend Clark County Code Title 8, Chapter 8.20, Subsection 8.20.020.250 and Section 8.20.360 to allow liquor stores to deliver alcoholic beverages; require delivery of alcoholic beverages by grocery stores and liquor stores to be made only by employees; prohibit the delivery of alcoholic beverages by a grocery store or a liquor store to any person on the premises of a resort hotel; prohibit the delivery of alcoholic beverages by a third party; 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, SUBSECTION 8.20.020.250 AND SECTION 8.20.360 TO ALLOW LIQUOR STORES TO DELIVER ALCOHOLIC BEVERAGES; REQUIRE DELIVERY OF ALCOHOLIC BEVERAGES BY GROCERY STORES AND LIQUOR STORES TO BE MADE ONLY BY EMPLOYEES; PROHIBIT THE DELIVERY OF ALCOHOLIC BEVERAGES BY A GROCERY STORE OR A LIQUOR STORE TO ANY PERSON ON THE PREMISES OF A RESORT HOTEL; PROHIBIT THE DELIVERY OF ALCOHOLIC BEVERAGES BY A THIRD PARTY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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, Subsection 8.20.020.250 of the Clark County
Code is hereby amended to read as follows:

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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 or a liquor store licensed for the Internet ~~[internet]~~ sale and delivery of alcohol pursuant to Section 8.20.360.
- (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

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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:
 - (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.).

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

8.20.360 Transport of liquor.

(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 transfer ~~[delivery]~~ service from the place of sale to the vehicle ~~[conveyance]~~ of the purchaser shall be responsible under the foregoing prohibition only until the sale is completed, and that minors may nevertheless carry or transfer ~~[transport]~~ alcoholic liquors from the place of such consummated sale to the vehicle ~~[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.

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(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 or a liquor store may petition to the board for approval to sell 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 or liquor 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;

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

(8) Delivery of alcoholic beverages must be made by an employee of the grocery store or liquor store possessing a valid alcohol education card in accordance with Section 8.20.055 of this code.

(9) Alcoholic beverages may only be delivered to customers located within unincorporated Clark County, except that alcoholic beverages may be delivered to customers located in adjacent jurisdictions if the grocery store or liquor store is in compliance with the applicable delivery regulations of that jurisdiction.

(10) No deliveries of alcoholic beverages may be made by a grocery store or liquor store to any person located on the premises of a resort hotel in the unincorporated county.

(11) No alcoholic beverages sold by a grocery store or a liquor store are allowed to be delivered by any third party delivery service including, but not limited to, an independent online or mobile food delivery provider.

- (d) Grocery stores and liquor 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

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in subsection (c)(2) of this section 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 Internet sale and delivery of alcohol within an adjacent licensing jurisdiction.

SECTION THREE. 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 FOUR. 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 FIVE. This ordinance shall take effect and be in force from 12:01 a.m. on January 1, 2022, and after its passage and the publication thereof by title only, together with the names of the County Commissioners 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 _____, 2021.

PROPOSED BY: Commissioner _____

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PASSED on the _____ day of _____, 2021.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS

BY: _____

MARILYN KIRKPATRICK, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

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This ordinance shall be in force and effect from and after
the _____ day of _____ 2021.