

ATTACHMENT #1



Department of Business License

VINCENT V. QUEANO

DIRECTOR

500 SOUTH GRAND CENTRAL PKY, 3RD FLOOR

BOX 551810

LAS VEGAS, NEVADA 89155-1810

(702) 455-4252

(800) 328-4813

FAX (702) 386-2168

August 10, 2021

NOTIFICATION OF PROPOSED AMENDMENT TO CLARK COUNTY CODE TITLE 8, CHAPTER 8.20 LIQUOR LICENSE REGULATIONS

Dear Licensee and Community Partners:

Please be notified pursuant to NRS 237.080, of proposed amendments to Clark County Code, Title 8, Chapter 8.20, for Liquor License Regulations. The proposed amendments are available for your review online at www.clarkcountynv.gov/businesslicense.

Specifically, the proposed amendments will amend certain sections of Chapter 8.20 for Liquor License Regulations. The proposed amendments address the following key areas:

- **Subsection 8.20.020.250** revises the definition of “package licenses” to allow liquor stores to deliver alcoholic beverages under certain circumstances.
- **Section 8.20.360 – Transport of liquor** is revised as follows:
 - Delivery of alcohol by a grocery store or a liquor store must be made by an employee that possess a valid alcohol education card;
 - Alcoholic beverages may be delivered to a person located in an adjacent jurisdiction if the grocery store or liquor store is in compliance with the applicable delivery regulations of that jurisdiction;
 - Delivery of alcoholic beverages to a resort hotel within unincorporated county is prohibited; and
 - No alcoholic beverages sold by a grocery store or liquor store may be delivered by a third party.
- The effective date of this ordinance is January 1, 2022.

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 Jordan Sandecki at PublicCommentCCBL@ClarkCountyNV.gov by 5:00 p.m. on September 7, 2021.

Sincerely,



Vincent V. Queano
Director

ATTACHMENT #2

From: [Jason Horwitz](#)
To: [District B CC](#)
Cc: [District G CC](#); [District A CC](#); [District C CC](#); [District D CC](#); [District E CC](#); [District F CC](#); mmikeh@clarkcountynv.com; [Cindy Horwitz](#); [Holly Horwitz](#); [Jordan Sandeck](#); [BL Public Comment](#)
Subject: LIQ DELIVERY ORD - PLEASE READ!
Date: Wednesday, August 11, 2021 12:33:46 PM

All,

My name is Jason Horwitz. I own a liquor store on 384 E Tropicana Ave. I am very involved in the community, and have met several of you in different capacities. I own and serve on Board of Directors for Crossroads Of Southern Nevada, as well. Local Substance abuse and mental health facility partnered closely with the county. I write this email out of serious concern with respect to this liquor ordinance. I want it to be known - Myself and another liquor store headed the delivery requests back when COVID shutdown was in full effect - I hired close friend of mine Don Burnette to assist with this, etc. I did this because we were suffering and needing a temporary reprieve, so to speak. It was granted, but now we are in a different situation with other businesses in town serving much different agendas and reasons for pushing this forward. Be that as it may, and first and foremost - No liquor stores are suffering in this city. We are up 212% over 2019, and Southern Wine & Spirits and every other distributor can no longer keep up with demand. There warehouses are completely maxed, deliveries are days and days late, orders are being pulled and shipped from Reno Warehouse, etc etc. Point being, everyone is killing it. Slammed to the gills. Don't let anyone tell you otherwise. Happy to send over sales information to show the increase and happy to have any and every other store owner whom I know and have contact with attest to this. It is simply not the case that we are in anyway shape or form hurting, as an industry or as a city!

To keep the email somewhat small here - This ordinance is much too vague and doesn't touch on some extremely important items.

As it reads now, I "Jason the liquor store owner" can jump in my wife's expedition, and go deliver to a guy who wants to meet at sunset park. Or, perhaps, the parking lot of Top Golf (because we aren't support to go to hotels). Reality is, its nearly impossible to enforce that section of the amended ordinance. I have thought up some very necessary components to keep things enforced and to keep businesses honest and in compliance.

Every delivery vehicle being used should and must be registered to the business, insured by the business, and have company logo and county code on it. Just as our front door must read "No one under 21" the vehicle should have company logo (certain size which is identifiable), and should state "No Delivery to Unincorporated Resort/Hotel. ID Must be present" etc etc. Any employee delivering the liquor should and must always be in uniform no exceptions. The Sheer volume of 911 calls for possible drug activity/transactions when Johnny the employee of XYZ liquor meets up with customer in a parking lot, will be high! What about casinos. I show up in my wife's expedition and hand someone two bags full of booze. How would hotel property casino or any commercial shopping center owner ever manage that successfully? A lot of unwanted loitering will ultimately occur as a result of this. When someone comes into my neighborhood to pickup or drop off dry cleaning, they're in a company van! When an uber comes in they're identifiable, but not when you drop off liquor? This isn't okay. And needs to be addressed.

Want you guys to know where this ordinance takes us as a city/county... We are opening the door for uber eats and others, in a massive way, to deliver booze any and everywhere. They requested something be in there that speaks to 3rd party companies to try and keep this out - but lets be honest here - anyone can open a retail liquor store for the purpose of delivery, and, we will not be able to keep these guys out once we pass this ordinance. That brings up next issue/concern to think about. In other areas where this is allowed - they're having substantial issue with folks piggy backing off someones license - similar to contractors and there shenanigans. I.e. I own a retail liquor store, and I'm approached by Johnny with ABC Wine LLC. Johnny says he will create the website, he will do the advertising, and he will make deliveries, all on my behalf, and we share in the profits. Now no liability exists for me, but hes still able to deliver and we are still able to profit. Which brings up my next item - advertising. I can guarantee you soon as this ordinance is passed, as it reads now, every tom dick and harry who owns a liquor store will begin the advertising "save money on strip pricing! we will deliver directly to you". And who is going to know if they dropped off at a hotel? Better yet lets just meet right around the corner, at a park, a school, a bar, whatever!

...Perhaps we should consider allowing this ordinance if you are all so in need of doing this, but on a much smaller level, before you guys really regret what we just created. For the record, I don't wish to have ANY part of the ordinance passed nor in any way shape or form endorse or suggest the approval, but, Perhaps deliveries can be made to residences only?? Who needs a liquor delivery to work? What else is there? Its deliver to my hotel (as I'm a tourist, lets say), Its deliver to my home along with my groceries (fine, I guess?) or its deliver to my place of work/business? So why carve out this little area of strip corridor which we know will never be able to be enforced (with such vague rules within ordinance) and why not, if so inclined, just allow the delivery to homes (what these other business owners don't realize is the can of worms they're opening by asking for this, as soon enough uber eats and the bigger dogs will crush us all) but lets say that's not the case. Why such vague-ness with respect to the hotel carve out? What I foresee is, the rules are absolutely not followed as there are a million independent liquor stores all over the valley, many of whom don't conduct business is the greatest of ways to begin with, who will now have employees in personal vehicles all over delivering a product that causes major issues when not consumed responsibly. But then again, allowing the delivery is not responsible either, as we all know humans are not perfect. Business owners are not perfect. And Frankly, most business owners deal in the grey. They push the limit. They need every little rule spelled out and thought of, to avoid chaos. Now throw liquor in there, and the industry as a whole. Its just very messy - and I think we are playing with fire here...

I guess overall issue is why - why exactly do we need this? Why are we doing this? Because Don's folks/clients are requesting? Sure, go ahead and submit! But the approval of this? Yikes. I just see a whole lot of bad that can come from it, with very little good. Hotels and casinos will see a major impact, among every safety and citizen issue you could imagine. Id love to know what Cptn Koren of Strip area command thinks of this (almost CC'd him on this). I wonder what metro would think this will bring about, and what new issues they will be faced with.

Look - The Liquor business is doing just fine ladies and gents! There's no reason to create more headache, more issues, more policing difficulties and more oversight necessary here. Does the county have the resources for sting operations within delivery? Does the county have the means to inspect every delivery vehicle and issue a sticker or decal year to year approving the delivery vehicle having had the correct Logos on the vehicles, the correct county code posted for everyone to see spelling out what they must and cannot do? All for what? Is there enough revenue to be produced on counties behalf to make sense of this?

I question what mothers against drunk driving would make of this, as well. Quite frankly, its difficult to see the locals reaction to things like this as they tend to slip though, without having been really seen or head/discussed, and then we all face the consequences, so to speak. We are simply going to have More vehicles around town with bags of booze in them. Make the highly addictive substance we have countless issue with every single day more available easier to get and easier to purchase <21 all while not having the accountability and rules/code in place? There's a liquor store or grocery store within 5-10 min walk anywhere you are in this entire valley. Why make the small guys suffer and compete against these big dogs with 10+ stores who get product at a much lesser price and able to sell for much less, even bigger? The small stores who cater to there area will suffer. The experience you get from going to store and talking with person behind the counter about wines, and then making a selection, won't exist. And it will only get worse and worse, bigger and bigger, and constant amendments will be drafted as rules broker or issues arise. I just don't see the benefit to be honest. And remember - I was the one requesting this when things were bad as we needed something! Anything! You all stepped up temporarily allowing it. But now?

Perhaps in 12-24 months when Southern Wine & Spirits (who has licensing necessary to do this per current ordinance) begins competing, they (LW/Lees, Whomever brought this on) too will regret having pushed this. This ordinance was not well thought through, and needs to be polished or thrown out. Just going to create massive problems. Much bigger decision than you all may think, making this decision. You can't go back on it and like everything - Once done, precedent is set, and businesses will argue it will hurt them and they will suffer if it is taken away. The entire liquor industry landscape will change if this is approved, and especially if approved in its current form (cannot be).

I would appreciate letting me know how I can continue to voice this. I will be making others aware to the extent I can, so that other voices can also be heard on the matter. Appreciate you guys taking the time to read through this, and appreciate all that everyone of you do for the community. Please let me know if any questions/concerns/ideas to bounce off. I am more than happy speaking in truths to work towards whatever common goal everyone has and is presenting. I am not here to complain to the extent it serves my best interests. I just speak for many, and hope that many more speak as well.

I hope we put some more thought and due-diligence into this. It's a major decision for a lot of businesses/families and people.

Jason Horwitz
Jwitz Inc

ATTACHMENT #3

**KAEMPFER
CROWELL**

ATTORNEYS AT LAW

LAS VEGAS OFFICE

JENNIFER LAZOVICH
jlazovich@kcnvlaw.com
702.792.7050

LAS VEGAS OFFICE
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RENO OFFICE
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Suite 700
Reno, NV 89501
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Fax: 775.327.2011

CARSON CITY OFFICE
510 West Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

September 1, 2021

VIA EMAIL - mikeh@clarkcountynv.gov

Michael Harwell, Franchise Manager
Clark County – Department of Business License
500 S. Grand Central Parkway, 3rd Floor
Box 551810
Las Vegas, Nevada 89155-1810

Re: Opposition to Proposed Amendment to Clark County Code Title 8, Chapter 8.20

Dear Mr. Harwell:

Please be advised, this firm represents Albertsons. On behalf of Albertsons, we are submitting our opposition to the proposed amendment to Clark County Code Title 8, Chapter 8.20 that would prohibit liquor delivery from a grocery stores by a third party.

Albertsons has 42 stores throughout southern Nevada. Of these stores, 14 are located in unincorporated Clark County. Albertsons recognizes that not all customers shop in the same way. Some customers choose to come into the store. Some customers choose the option for curbside pickup and other customers prefer online shopping with delivery directly to their home. Albertsons has used a variety of delivery methods for those who prefer to shop online. In some instances, Albertsons uses its employees for delivery. In other cases, Albertsons relies on a third party for delivery. Pursuant to Chapter 8.20.360, Albertsons has been allowed to deliver alcohol to customers since 2004. There has been no prohibition on who can deliver alcohol.

Since 2004, only grocery stores have been allowed to sell liquor over the internet and have it delivered to the customer's home. See Chapter 8.20.360. With the proposed ordinance, liquor stores will also be allowed to sell liquor over the internet and deliver to customers. While Albertsons is not opposed to allowing liquor stores to sell liquor over the internet or even allowing the delivery of alcohol from a liquor store to a customer, the proposed ordinance specifically prohibits a grocery store from using a third party to deliver alcohol to a customer. The proposed ordinance removes the flexibility of 14 brick and mortar grocery stores from determining how best to serve its customers.

With the pandemic, the number of customers who prefer on line shopping has greatly increased. Albertsons takes great pride in taking care of their customers. Specifically removing an option of who Albertsons can choose to deliver alcohol goes a step too far when there has been no documented concerns with alcohol delivery by a third party. Grocery stores should retain the option of using third-party delivery companies to deliver alcohol.

Sincerely,

KAEMPFER CROWELL



Jennifer Lazovich

JJL:jmd

ATTACHMENT #4



September 1, 2021

VIA EMAIL: mikeh@clarkcountynv.gov

Michael Harwell, Franchise Manager
Clark County – Department of Business License
500 S. Grand Central Pky., 3rd Flr
Box 551810
Las Vegas, NV 89155-1810

Re: Opposition to Proposed Amendment to Clark County Code Title 8, Chapter 8.20

Dear Mr. Harwell:

On behalf of DoorDash, we are submitting our opposition to the proposed amendment to Clark County Code Title 8, Chapter 8.20 that would prohibit liquor delivery from a grocery or liquor store by a third party.

DoorDash's mission is to grow and empower local economies. DoorDash does this by offering transformational access to its audiences: consumers, merchants and drivers. As such, DoorDash respectfully requests that third party platforms be permitted to deliver alcohol in Clark County.

DoorDash has invested significant resources to ensure safe and responsible alcohol delivery in hundreds of jurisdictions across the country. This includes the latest ID-verification technology as well as detailed alcohol training protocol for all of its drivers that addresses numerous restrictions related to alcohol delivery as well as how to detect intoxication. Our alcohol delivery process includes the following safeguards:

- Customer ID must be uploaded onto our platform to create a record of who accepted the alcohol delivery.
- Proper form of identification includes: a driver's license, valid passport, an identification card issued by the Armed Forces of the United States that shows the name, date of birth and photo.
- Customer ID is verified by a secure back-end system before a customer is allowed to order alcohol on the platform.
- DoorDash confirms the alcohol is not being delivered to a restricted location – examples include schools, college campus, resort hotels etc.
- Drivers are required to confirm the individual who receives the order matches the individual in photo ID.
- Drivers approved to deliver alcohol for DoorDash are subject to a detailed education and certification program to ensure drivers are aware of all relevant laws and policies.
- Drivers are also taught how to check for intoxication (both physical and behavioral signs).

DoorDash is committed to ensuring that alcohol is delivered in a safe and responsible way. Moreover, Southern Nevada merchants have seen the benefits of providing more options to deliver Alcohol to their customers. As a result of the pandemic, a number of emergency provisions allowed for alcohol to be



Michael Harwell, Franchise Manager
September 1, 2021
Page 2

ordered online and delivered by a third party, a crucial lifeline that helped many bricks and mortar businesses survive during the initial phases of the pandemic.

Since 2004, only grocery stores have been allowed to sell liquor over the internet and have it delivered to the customer's home. See Chapter 8.20.360. With the proposed ordinance, liquor stores will also be allowed to sell liquor over the internet and deliver to customers. The option for third party delivery of alcohol should be allowed with this ordinance. Each brick-and-mortar business should be allowed to make its own decision relative to how best to service its customers.

As such, DoorDash opposes the provisions of this ordinance that prohibit the use of third party platforms from delivering alcohol to customers.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Curtis'.

Laura Curtis
Senior Manager, Government Relations - West
DoorDash

ATTACHMENT #5



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

September 1, 2021

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

RE: Liquor delivery by Grocery Stores and Liquor Stores

Dear Commissioners:

I write today on behalf of the members of the Nevada Resort Association to share additional comments, including for purposes of a Business Impact Statement, regarding the draft ordinance pertaining to the delivery of package liquor and package beer, wine, and spirit-based products by grocery stores and liquor stores.

I would like to reiterate our gratitude to James Headen, the Clark County Business License Department, and the Board of Clark County Commissioners ("BCC") for convening a diverse group of stakeholders to evaluate and consider perspectives in the hopes of arriving at reasonable public policy. We very much appreciate the open dialogue and ongoing collaboration.

We appreciate recognition that the delivery of liquor to the resort corridor by grocery stores and liquor stores creates substantial challenges and concerns, and we support the recommendation made at the July 20, 2021, BCC meeting that such deliveries to resort hotels with nonrestricted gaming licenses be prohibited.

As we have noted before, 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.

Absent a provision broadly prohibiting grocery stores and liquor stores from delivering alcohol to the resort corridor, the draft ordinance leaves unclear whether such establishments would be permitted to deliver alcohol to other off-premises locations, including:

- Public rights-of-way within the resort corridor, including any sidewalks adjacent to resort hotels;

- Non-gaming locations in the resort corridor owned or operated by a non-restricted gaming licensee, or an affiliate of a non-restricted gaming licensee;
- Large-scale public and private convention centers, stadiums, and arenas located in the resort corridor, including outdoor gathering areas on the premises of the same; and
- Businesses with existing privileged liquor license operations on the premises.

We strongly encourage that consideration be given to revising the draft ordinance to prohibit grocery stores or liquor stores from delivering alcohol to the forgoing locations. Our concerns include allowing a grocery store or liquor store to deliver alcohol to an establishment, such as an entertainment venue, attraction, non-gaming hotel, or other locations in the resort corridor that currently have licensed liquor operations on the premises, including package liquor licensees. Some of these locations may also be owned or operated by a non-restricted gaming licensee or an affiliate of such licensee. Allowing such a practice seems to undermine the value of holding a privileged liquor license while potentially putting such licensees at risk of being held to account for negative outcomes resulting from delivery of alcohol by grocery stores or liquor stores not licensed to the physical premises.

On the matter of third-party deliveries, we support the current language and appreciate the cautious approach the County is taking to avoid any additional unintended consequences.

Finally, we would also like to see strong enforcement and effective penalties to ensure compliance and deter violations. As you are well-aware, the strength of any ordinance relies on meaningful deterrence and enforcement methods.

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,



Virginia Valentine
President

cc: Yolanda T. King, County Manager
Randall J. Tarr, Assistant County Manager
Vincent Queano, Director of Clark County Business License Department
James Headen, Assistant Director of Clark County Business License Department
Sherry Ly, Deputy District Attorney at Clark County District Attorney's Office, Civil Division
Capt. Dori Koren, Las Vegas Convention Center Area Command, Las Vegas Metropolitan Police Department
Chuck Callaway, Director of Office of Intergovernmental Service, Las Vegas Metropolitan Police Department

ATTACHMENT #6



Via E-MAIL

Vincent V. Queano, Director
Department of Business License
500 South Grand Central Parkway, 3rd Floor
PO Box 551810
Las Vegas, Nevada 89155

Re: Amendment to Clark County Code, Title 8, Chapter 8.20, Liquor License Regulations

Dear Director Queano:

Drizly, founded in 2013, is the nation's largest marketplace for on demand alcohol deliveries. Drizly does not sell or deliver alcoholic beverages; rather, Drizly connects consumers of legal drinking age with licensed local retailers in over 30 states, 120 different markets. Drizly- retailer partners use Drizly to connect with customers and manage their e-commerce needs while they provide delivery service. Drizly strongly supports the local ordinance to allow liquor stores to deliver to consumers.

In the past 12 months, approximately 40,000 people in Clark County have visited the Drizly website and app attempting to order alcoholic beverages for delivery. This demonstrates a clear consumer demand for this service which has been available in other jurisdictions for years if not decades. Alcohol delivery is not new or novel but merely new for Clark County. E-commerce touches every industry in our nation and this ordinance allows e-commerce for alcoholic beverages in a smart, balanced and responsible manner.

The ordinance creates a system of record keeping and compliance that surpasses the standards for in-store sales. Regulators will have access to detailed records for delivery sales that have never been available for in-store sales. Lastly, the ordinance maintains the state's three tier system and entrusts retailers with all consumer interactions.

We thank the Clark County Business License Department for their careful thought and attention to this important issue as well as the Commissioners. We also hope that our expertise in this area can be service to the Commission. Please let us know if we can help in any way.

Sincerely,

Jacqueline P. Flug
General Counsel, Senior Vice President
jaci.flug@drizly.com

ATTACHMENT #7

From: [Mike Harwell](#)
To: [Jordan Sandecki](#)
Subject: FW: Alcohol delivery approval
Date: Wednesday, September 1, 2021 4:00:56 PM

FYI

-----Original Message-----

From: James Headen <JamesH@ClarkCountyNV.gov>
Sent: Tuesday, August 31, 2021 10:53 AM
To: Mike Harwell <Mikeh@ClarkCountyNV.gov>
Subject: FW: Alcohol delivery approval

Good morning,

Rony sent this email.

Regards,

James M Headen
Assistant Director
Clark County Business License Department Direct line 702-455-4321 jamesh@clarkcountynv.gov

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is protected by the attorney client privilege, confidential, and exempt from disclosure under applicable law. Any dissemination, distribution, or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify me immediately by return e-mail and delete the original message and any copies of it from your computer. Thank you.

-----Original Message-----

From: Rony Shamoun <r.shamoun@liquorworldlv.com>
Sent: Tuesday, August 31, 2021 7:55 AM
To: James Headen <JamesH@ClarkCountyNV.gov>
Subject: Alcohol delivery approval

Good morning James just wanted to add that Liquor World would like to move forward and agree to the changes to the ordinance I will support the departments request. Thank you

Thank you,
Rony Shamoun

ATTACHMENT #8

3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89169
O. 702.949.8200

One East Liberty Street
Suite 300
Reno, Nevada 89501
O. 775.823.2900

lewisroca.com

E. Leif Reid
Partner
Admitted in Nevada
775.321.3415 direct
775.823.2929 fax
LReid@lewisroca.com



September 7, 2021

Via E-mail (PublicCommentCCBL@ClarkCountyNV.gov)

Clark County
Department of Business License
500 South Grand Central Parkway, 3rd Floor
Las Vegas, Nevada 89155

RE: Proposed Liquor Delivery Amendments

To Whom It May Concern:

This letter is written on behalf of Southern Glazer's Wine and Spirits, LLC, to provide our comments to Clark County's proposed amendments to Subsection 8.20.020.250 and 8.20.360 (the "Amendments").

In Senate Bill 307, the Nevada Legislature amended Chapter 369 to add a new section authorizing delivery of alcoholic beverages by a retail liquor store *or a delivery support service* acting on behalf of a retail liquor store. S. B. 307, 81st Sess. (Nev. 2021). The Nevada Legislature explicitly included delivery support services as a lawful alternative to the strict limitation that only grocery store or liquor store employees could deliver alcohol. *See id.* § 4.7(1).

The Amendments exclude delivery support service providers. *See, e.g.,* Amends. § 8.20.360(c)(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) (emphasis added); *see also id.* § 8.20.360(c)(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."). This appears to be inconsistent with the plain language of Section 4.7(1) of SB 307.

To the extent Clark County is concerned that delivery support services will not comply with the County's regulations, the Nevada Legislature also specifically directed the Nevada Department of Taxation to adopt strict regulations governing these types of deliveries:

The Department **shall** adopt regulations governing deliveries made pursuant to this section, which must include, without limitation:

- (a) A requirement for the retail liquor store or its delivery support service to obtain proof, in the form of a signature or

other verification, that the delivery was accepted on behalf of the consumer by a person who is at least 21 years of age.

b) A requirement that any such delivery originate only from the premises of the retail liquor store during the operating hours of the retail liquor store.

S. B. 307 § 4.7(2), 81st Sess. (Nev. 2021). Importantly, delivery support service providers are required under state law to insure deliveries are only made to persons over 21 years of age, and deliveries only originate from a licensed retail liquor store. It is our understanding that the Nevada Department of Taxation is currently working to finalize these regulations.

We also write to express concern over the proposed language in Subsection 8.20.360(c)(9) of the Amendments, which provides: “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.” It appears that this language may not fully comport with Nevada law.

Senate Bill 307 requires the Nevada Department of Taxation to adopt regulations including “[r]egulations prescribing **the area in which such deliveries may be made, which must take into account** relevant local jurisdictions and **the marketing area of the wholesaler** of any liquor to be delivered.” S. B. 307 § 4.7(2)(c), 81st Sess. (Nev. 2021) (emphasis added). Under Section 4.7(4), “‘marketing area’ has the meaning ascribed to it in NRS 597.136.” Under NRS 597.136, “[m]arketing area’ means the area where a wholesaler sells a product of a supplier pursuant to the terms, provisions and conditions of a franchise.” While the Amendments include language regarding compliance with laws from adjacent jurisdictions, the Amendments should also include the requirement that deliveries not take place beyond the wholesalers’ marketing areas for the products.

In sum, we respectfully request that the County modify the above-described proposed Amendments to reconcile them with the new requirements of SB 307. Thank you for your anticipated assistance on this issue, and if you should have questions or comments, please do not hesitate to contact me.

Sincerely,



E. Leif Reid
Lewis Roca Rothgerber Christie LLP

ELR/ns

cc: Clients

ATTACHMENT #9



TECHNET
THE VOICE OF THE
INNOVATION ECONOMY

TechNet California and the Southwest | Telephone 916.903.8070
915 L Street, Suite 1270, Sacramento, CA 95814
www.technet.org | @TechNetUpdate

September 7, 2021

Clark County Commissioners
500 S. Grand Central Parkway, Floor 6
Las Vegas, NV 89155

Re: Alcohol Delivery Revision Ordinance – Oppose

Dear Commissioners,

TechNet respectfully opposes amending the Section 8.20.360 to, among other things, ban the third-party delivery of alcohol.

TechNet is the national, bipartisan network of innovation economy CEOs and senior executives. Our diverse membership includes dynamic American businesses ranging from revolutionary start-ups to some of the most recognizable companies in the world. TechNet represents over four million employees and countless customers in the fields of information technology, e-commerce, sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance.

Technology is helping to address many of the challenges that Nevadan residents have been confronting due to COVID-19. During the pandemic, TechNet members' innovative and safe solutions have been crucial to local businesses remaining open and generating much-needed revenue, this is certainly the case within the alcohol delivery industry.

To continue to grow the technology industry in Nevada, it is imperative that policymakers continue to advance a pro-innovation business climate. TechNet and our member companies are committed to using technology and innovation to spur local economies by making brick and mortar retailers accessible at the touch of a button. If you have any questions, please contact Cameron Demetre at cdemetre@technet.org.

Sincerely,

Cameron Demetre
Executive Director, California and the Southwest
TechNet

ATTACHMENT #10



550 BOWIE STREET, AUSTIN, TEXAS 78703
WWW.WHOLEFOODSMARKET.COM
WHOLE FOODS. WHOLE PEOPLE. WHOLE PLANET.

September 7, 2021

Mr. James Headen, Assistant Director
Clark County Department of Business License
500 S. Grand Central Parkway, 3rd Floor
Las Vegas, Nevada 89155

RE: Comments in Support of Third-Party Alcoholic Beverage Delivery

Dear Assistant Director Headen:

I write today to offer comments on alcohol delivery in Clark County on behalf of WFM Southern Nevada, Inc. dba Whole Foods Market ("WFM"). Thank you for the opportunity to submit comments and share our views on alcohol delivery in Clark County and Nevada.

WFM appreciates the work of the Clark County Commission to enable home alcohol delivery from retail licensees both within and without the County. WFM strongly supports the expansion of beverage alcohol retailer privileges to include the ability to deliver alcohol products to customers' homes or to their vehicles curbside (aka "curbside pickup"). In other states and jurisdictions, WFM utilizes the services of our affiliate, Amazon Flex ("Flex"), to deliver beverage alcohol products to our customers via third-party, independent contractors. We are eager for the opportunity to utilize the services of Flex drivers to deliver alcohol beverages in Clark County, in addition to the food items that are currently delivered to our customers via this service.

Simply put, our customers have made it clear that they want the convenience of ordering and receiving deliveries of alcohol beverages in addition to the other grocery and retail goods Amazon already delivers to their homes. Our customers in many other states are accustomed to using Amazon to receive alcohol beverages with their orders from our stores and our inability to offer our customers in Clark County the same service means we are unable to meet our customers' expectations and erode their purchasing experience.

As a member of the Clark County package liquor industry with a Clark County package liquor license (#2001490.LIQ-109), 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. Even before the novel coronavirus pandemic, we experienced increased demand for deliveries of groceries and other retail goods. We have relied on the expertise of third-party companies to meet the increased demand while keeping costs low simultaneously.

As stated above, WFM already uses the services of Amazon to deliver other retail and grocery items in Clark County. WFM also uses the services of Amazon and other third-party delivery companies to deliver alcohol beverages safely and responsibly in many other jurisdictions throughout the United States which have already permitted such activity. We have

been more than satisfied with these arrangements and look forward to the opportunity to engage such services in Clark County as well.

The following is a list of some of the reasons we support third-party alcohol delivery in Clark County:

- Compliance: App-based delivery companies' technology, coupled with their strict policies and procedures for delivery, provide us with confidence that deliveries of alcoholic beverages will be safe and conducted in compliance with all applicable laws and regulations, including the prevention of deliveries to minors or intoxicated customers.
- Reduced Costs/Customer Convenience: Through our research and experience, we have found that third-party companies have the infrastructure in place to significantly lower the costs of delivery to customers' homes, making deliveries more available and affordable to customers.
- Consistency Between Jurisdictions: WFM has multiple locations throughout the state of Nevada including four current locations in the Las Vegas valley. WFM wishes to provide its Clark County customers with the same access and experiences as those in many other jurisdictions, including the neighboring City of Las Vegas. We support Clark County conforming its code to the recently enacted Senate Bill 307 (signed June 2, 2021, Chapter 294) and adopting similar regulations to those enacted in the City of Las Vegas, which would provide consistency to customers, local regulatory bodies, and businesses located in the region.

For these reasons, WFM supports Clark County expanding alcoholic beverage delivery privileges to licensed third party companies. Thank you again for the opportunity to provide these comments and your leadership on this very important issue.

Sincerely,
Signed by:


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