

Craft Cocktail Growler Delivery

A **Private Club Restaurant (PCR)** or **Private Manufacturer Club (PMC)** licensed to sell liquor for on-premises consumption may apply for a private delivery license permitting the order, sale, and delivery of liquor and a nonalcoholic mixer or beverage in a sealed craft cocktail growler, when separately licensed for craft cocktail growler sales (a \$100 license). The order, sale, and delivery of a sealed craft cocktail growler is permitted for off-premises consumption when completed by the licensee to a person purchasing the craft cocktail growler through a telephone, a mobile ordering application, or web-based software program. There is no additional fee for a PCR or PMC private delivery license. The order, sale, and delivery process shall meet the requirements of the code and is subject to the penalties of the code. **If you have been drinking at PCR or PMC, then you cannot order or obtain a craft cocktail growler.**

A **third party**, not licensed for liquor sales or distribution, may apply for a private delivery license for the privilege of ordering and delivering craft cocktail growlers, from a licensee with a craft cocktail growler license. The order and delivery of a sealed craft cocktail growler is permitted by a third party who obtains a license under this section when a PCR or PMC sells to a person purchasing the sealed craft cocktail growler through telephone orders, a mobile ordering application, or a web-based software program. The private delivery license non-prorated, nonrefundable annual fee is \$200 for each third-party entity, with no limit on the number of drivers and vehicles.

Sale Requirements.

- The craft cocktail growler purchase shall accompany the purchase of prepared food or a meal and the completion of the sale may be accomplished by the delivery of the prepared food or a meal, and craft cocktail growler by the licensee.
- Any purchasing person shall be 21 years of age or older, shall not be visibly or noticeably intoxicated at the time of delivery.
- “Prepared food or a meal”, means food that has been cooked, grilled, fried, deep-fried, air-fried, smoked, boiled, broiled, twice baked, blanched, sautéed, or in any other manner freshly made and prepared, and does not include pre-packaged food from the manufacturer.
- An order, sale, and delivery may consist of multiple sealed craft cocktail growlers for each order of food or meal; Provided, That the entire delivery order may not contain any combination of craft cocktail growlers of more than **128 fluid ounces** total; and
- The third party private delivery licensee may not collect a percentage of the delivery order for the delivery of alcohol.
- The convenience fee charged by the third-party private delivery licensee to the purchasing person shall be no greater than **\$5** per delivery order where a craft cocktail growler is ordered by the purchasing person.

Craft Cocktail Growler Delivery Requirements.

- Delivery persons shall be 21 years of age or older and each delivery person’s name, driver’s license, and vehicle information shall be filed with the commissioner.
- A licensee or third party shall train delivery persons on verifying legal identification and in identifying the signs of intoxication and shall submit certification of the training to the commissioner.
- A licensee shall hold a private cocktail delivery permit for each vehicle delivering a craft cocktail growler. Delivery driver must retain a copy of his or her permit as proof of licensure, electronic copies are permissible.
- Delivery of prepared food or a meal, and a sealed craft cocktail growler order delivered by the licensed licensee may occur only in the county or contiguous counties where the licensed private club restaurant or private manufacturer club is located.
- Delivery of prepared food or a meal, and a sealed craft cocktail growler may only be made to addresses located in West Virginia and all sales and municipal taxes must be recorded and paid.
- A licensee or third party may not deliver prepared food or a meal, and a sealed craft cocktail growler to any other licensee.

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- Deliveries of prepared food or a meal, and a sealed craft cocktail growler are only for personal use, and not for resale.
- The licensee shall not deliver and leave the prepared food or a meal, and a sealed craft cocktail growler at any address without verifying a person's age and identification as required by this section.
- **No food or meal and alcohol may be left at any address.**

Telephone, mobile ordering application, or web-based software requirements.

- Only the person who placed the order may accept the prepared food or meal and a craft cocktail growler delivery, subject to age verification upon delivery with the delivery person's visual review of the purchaser's legal identification and a stored scanned image of his or her legal identification;
- Any mobile, telephone or web based ordering application or web-based software used shall create a stored record and image of the purchasing person's legal identification and details of the sale, accessible by the delivery driver for verification, and shall include the delivery driver's name and vehicle information;
- All records are subject to inspection by the commissioner and be retained for 3 years.

Private Cocktail Delivery Permit.

- A licensee or third party shall obtain and maintain a retail transportation permit for the delivery of prepared food and a sealed craft cocktail growler, subject to the requirements of this article.
- A licensee or third party shall provide vehicle and driver information, requested by the commissioner. Upon any change in vehicles or drivers, the licensee shall update the driver and vehicle information with the commissioner within 10 days of the change.
- A private cocktail delivery permit fee is **\$10** the first vehicle, and **\$1** every vehicle thereafter.