



2021 Legislative Recap for Alcohol Retailers

WENDY TURK NOVEMBER 2021

Disclaimer

- 1. Some of the bills will undergo further rule-making and definition**
- 2. Not all details are provided – CHECK WITH YOUR LOCAL RESOURCES!!!**
- 3. Not a comprehensive list of all industry legislation**
- 4. Regulatory changes made through agency rulemaking, ballot initiatives, and local governments are not included in this presentation**

Alabama

Passed in 2021

- SB 126** **To create a “delivery service license” for on/off-prem**
- beer (120 cans)
 - wine (12 – 750ml)
 - spirits (12 – 750ml off-prem or 1 – 375 ml on-prem)
 - third parties may apply for delivery license
- SB 294** **To allow wineries to self-distribute to retailers**

Arizona

Passed in 2021

- HB 2773** **To allow on/off-prem to deliver beer/wine/spirits/mixed beverages**
- **third-party deliveries allowed**
- **on-prem must "lease" their privilege from a bar or liquor store in the same county until December 31, 2025**
- HB 2844** **To allow growlers to be sold at drive-thru or walk-up service windows**

Arkansas

Passed in 2021

- SB 339** **To allow restaurants to sell beer/wine/spirits at drive-thru, curbside, and delivery**
- beer (72 oz), wine (750ml), and spirits (32oz)
 - third-party deliveries prohibited
 - additional rulemaking expected by January 1, 2022
- SB 479** **To permanently allow on-prem to expand outdoor seating**
- requires city/county approval
- SB 32** **To allow retail liquor stores to deliver beer/wine/spirits**
- third-party deliveries prohibited

California

Passed in 2021

AB 1149 **To allow manufacturers and wholesalers to merchandise RTD single-serve containers of distilled spirits and wine**

SB 389 **To allow on-prem to sell mixed beverages to-go (no delivery)**
- no more than 4.5oz of distilled spirits
- two drinks per meal
- repeals December 31, 2026

Colorado

Passed in 2021

HB 1027 **To allow on-prem to deliver beer/wine/spirits/mixed beverages**
- beer (144oz), wine (1.5L), spirits (1L)
- repeals July 1, 2025

To create a “communal outdoor dining permit”
- allows two or more on-prem retailers to share outdoor
consumption space

Connecticut

Passed in 2021

SB 894 **To allow automated self-pour machines**
- beer (32 oz), cider (32 oz), or wine (10 oz)

HB 6100 **To allow on-prem to deliver beer/wine/spirits/mixed beverages**
- beer (196 oz), wine (1.5 L), spirits (1 L)
- third-party deliveries allowed
- repeals May 3, 2024

To prohibit licensees from requiring that alcohol be purchased in exchange for advertising merchandise or novelty items

Delaware

Passed in 2021

HB 1 **To extend an "expansion of outdoor seating" until March 31, 2022**

To allow on-prem to sell beer/wine/spirits for takeout, curbside, or drive-thru pick-up

- beer (24 cans), wine (3 – 750s), spirits (1L)**
- repeals March 31, 2022**

HB 132 **To allow taverns to sell wine for on-prem consumption**
- previously only allowed to sell beer

Florida

Passed in 2021

SB 148

To allow on-prem to sell beer/wine/spirits/mixed beverages for takeout or delivery

- excludes manufacturer-sealed bottles of spirits**
- food and non-alchs must comprise at least 40% of sale**
- third party deliveries allowed**

To change “full course meal” to “meal” (for removal of a partially consumed bottle of wine)

Georgia

Passed in 2021

SB 236 **To allow “food service establishments” to sell mixed beverages for takeout**

- **curbside delivery only (must be paved)**
- **no more than 3 oz of spirits**
- **two drinks per entree**

Illinois

Passed in 2021

SB 104

To allow on-prem (1A or Combined 1A licensee) to sell mixed beverages and single servings of wine for curbside or delivery

- no size or quantity specifications**
- third-party deliveries prohibited**
- repeals January 3, 2024**

To allow credit card payments (to distributors) for wine and spirits

- transaction fees must be paid by retailer**

Illinois

Passed in 2021

SB 2620

**To allow on-prem and off-prem co-ops to be formed
- to also allow quantity discounts for co-ops**

**To require that the delinquency list be developed, administered,
and maintained only by the ILCC**

**To expand allowances for retailers to transport limited quantities
of wine & spirits to alternate, same-owned premises**

Indiana

Passed in 2021

HB 1396 **To remove the state residency requirement for all license types (previously required five years)**

To require only persons with 2% or more interest in the company to be listed on applications (previously required ALL persons)
- if a corporation, only the CEO, CFO, COO, board members

To remove the requirement to “appear” when depositing a permit
- to require an appearance for renewal of deposit

Indiana

Passed in 2021

HB 1396

To allow on-prem to include the parking lot as the licensed premises (for curbside delivery)

To allow wineries and distilleries to self-distribute to retailers

To require proof of age for consumer deliveries

To allow FMBs (flavored malt beverages) and wine to be packaged in cans

Iowa

Passed in 2021

HB 766 **To allow beer/wine/spirits deliveries by third parties**
- **must enter into a written agreement**
- **must file names of all third parties with the ABD**

HB 384 **To allow beer/wine/spirits sales, on/off-prem, at 6am on Sundays**
(previously 8am)

Kansas

Passed in 2021

HB 2137 **To allow off-prem sales starting at 9am on Sundays (previously 12pm noon)**
 - subject to local option

To repeal the state residency requirement for licensees

To allow beer/wine/mixed beverages to be sold for carry out
 - does NOT include unopened bottles of spirits

Kentucky

Passed in 2021

SB 67

To allow on-prem to sell beer/wine/spirits/mixed beverages for takeout and delivery

- servings “only in quantities that a reasonable person would purchase with a meal”**
- third-party deliveries allowed**

Louisiana

Passed in 2021

- HB 219** **To allow spirit-based RTDs (ready-to-drink cocktails, in manufacturer sealed container) to be sold for takeout from a restaurant**
 - beer and wine already allowed
- SCR 31** **To allow spirits manufacturers and wholesalers to give, loan, or sell refrigerated coolers to retailers**
- HB 192** **To allow wholesalers to accept credit card payments, and to require that transaction fees be passed back to retailers**

Maine

Passed in 2021

- SB 205** **To allow on-prem to sell beer/wine/mixed drinks for takeout or delivery**
- **third-party deliveries prohibited**
 - **repeals September 10, 2022**
- HB 1272** **To allow unlimited tastings at off-prem beer and wine stores**
- **previously limited to 15 per month**

Maryland - statewide

Passed in 2021

HB 12 **To allow on-prem to deliver beer/wine/spirits/mixed beverages to consumers**

- requires local authorization or permit
- third-party deliveries prohibited
- repeals June 30, 2023

HB 185 **To prohibit on-prem licensees from requiring that consumers purchase two or more beverages/bottles/containers at a time**

Maryland – county specific

Passed in 2021

- HB 555** **Baltimore County - To allow drug stores to be issued a Class D license (beer/wine/spirits, on and off-prem)**
- SB 489** **Anne Arundel County - To create a movie theater permit, authorizing the sale of beer and wine for on-prem consumption**
- HB 349** **Queen Anne's County - To reduce "unannounced visits" by inspectors to once every 180 days (previously once every 60 days)**
- HB 323** **Queen Anne's County - To repeal the distance requirement from a place of worship (previously 500 ft)
- schools and libraries still stand at 500 ft**

Michigan

Passed in 2021

SB 141 **To allow “specially designated merchant” licensees to sell beer for delivery by common carrier**
- wine already allowed

To allow “specially designated distributor” licensees to sell spirits for delivery by common carrier

SB 144 **To increase the allowable ABV of spirits-based RTDs to 13.5%**
- previously 10%
- **MUST** be packaged in a metal can

Mississippi

Passed in 2021

- HB 1135** **To create a delivery service permit for on/off-prem to sell and deliver beer/wine/"light spirit products" (5% ABV RTDs)**
- third-party deliveries allowed
- HB 277** **To allow "tribal identification cards" as valid identification**
- must be issued by a federally recognized tribe

Missouri

Passed in 2021

SB 126 **To allow on-prem to sell beer/wine/mixed beverages to go**
- curbside delivery allowed
- two drinks per meal

To allow on-prem to serve alcohol at 6am on Sunday (6am-1:30am)
- previously 9am-12am midnight

To expand allowable POS from manufacturers and distributors
- to include table umbrellas, branded ice chest (non-refrigerated), tap handles, ice buckets, napkin holders, bar rail mats, salt rimmers, and condiment caddies

Montana

Passed in 2021

- HB 226** **To allow curbside sales of beer/wine/spirits/mixed beverages from on/off-prem**
- To allow retailers to pick-up beer from wholesaler warehouses**
- SB 320** **To allow on-prem to deliver beer and wine in original packaging
- third-party deliveries prohibited**
- SB 129** **To limit the issuance of violations when related to a sting
- Must fail more than two “contrived events” within three years for violations to be issued**

Nebraska

Passed in 2021

LB 274

To allow Class I (on-prem) and Class C (on/off prem) licensees to sell mixed beverages for curbside delivery

To allow all licensee types (on/off) to sell alcohol to a person in a car

Nevada – Las Vegas

Passed in 2021

- 2020-39** **To allow on/off-prem to deliver beer/wine/spirits**
- **original manufacturer-sealed container**
 - **third-party deliveries allowed**

New Hampshire

Passed in 2021

SB 66

To create a "restaurant delivery license" and to allow license holders to deliver beer and wine in original manufacturer-sealed containers

- beer (192 oz) and wine (1.5 L)
- third-party deliveries prohibited

SB 14

To allow the Liquor Commission to register trade names to sell wine and liquor for direct shipment to consumers in state and out of state

New Mexico

Passed in 2021

HB 255

To create an "alcohol beverage delivery permit" for on and off-prem, for beer and wine only

- third-party deliveries allowed**
- still undergoing rulemaking**

To reclassify new or renewed beer/wine restaurant licenses to a "type A", and to create a new restaurant license "type B" for beer/wine/spirits

- To create a tax credit for existing beer/wine/spirits restaurant licensees (to compensate for license valuation)**

New Mexico

Passed in 2021

HB 255 **To allow Sunday sales on/off-prem at 7am**
- on-prem previously 11am
- off-prem previously 12pm

To allow expired identification for the purposes of verifying age

To require identification only if the person looks younger than 35 years of age
- does NOT apply to identification checks for delivery

To ban 50 ml packages from off-prem retail locations

New Mexico

Passed in 2021

HB 255 **To change the definition of “growler” to include only fills of New Mexico-produced beer**
- wine and cider allowances unchanged

To require the preparations of only “food”, instead of “meals”, for on-prem

To reduce the minimum age to sell/serve in restaurants to 18
- previously 19 years old
- still must be 21 years old to bartend

New York

Passed in 2021

SB 6353 **To allow on-prem retailers to apply for/continue use of temporary expansion of premises onto municipal property**
- expires in one year

AB 7680 **To allow retailers to hold an interest in a manufacturer or wholesaler**
To allow a manufacturer or wholesaler to hold an interest in a retailer

North Carolina

Passed in 2021

HB 890

To allow expansion of premises for outdoor seating and consumption

- subject to local ordinance

To allow more than one drink per person at a stadium, athletic facility, or arena

To allow common consumption “social districts”

- subject to local ordinance

North Carolina

Passed in 2021

HB 890

To create a new definition for “alcohol consumable”

- any manufactured and packaged ice cream, ice pop, gum-based, or gelatin-based food product containing at least one-half of one percent (0.5%) alcohol by volume

To allow private/personalized labels on spirits bottles (all special orders must still go through the ABC)

**To increase allowable beer/wine growler size to four liters
- previously two liters**

North Carolina

Passed in 2021

HB 890

To require that the ABC Boards offer an online ordering option (for spirits) for on-prem

- orders must be picked up in person

To require that the ABC Boards offer delivery to on-prem retailers

- small boards may request exemption

- Boards may pass along delivery cost to retailers

To no longer require a local permit from the Town of Cary

North Dakota

Passed in 2021

- HB 1184** **To allow minors in the bar area of restaurants**
- must be with parent/guardian
 - must be seated at least three feet from the bar
 - must exit by 10pm
- SB 2220** **To allow Sunday sales and consumption at 8am**
- previously 11am on-prem
 - previously 12pm off-prem

Oklahoma

Passed in 2021

- HB 2122** **To allow mixed beverage licensees to sell wine (7 oz) and cocktails (no size specified) for takeout or delivery**
- third-party deliveries prohibited
- repeals May 11, 2022
- HB 2726** **To allow mixed beverage licensees to offer exclusive bottle service on the premises**
- HB 2380** **To allow self-pour of beer and wine from automated machines**
- beer 32 oz
- wine 10 oz

Oklahoma

Passed in 2021

- SB 760** **To allow common consumption areas (food halls)**
- HB 1096** **To allow brewers and beer distributors to share, forward, and repost social media content from retailers (on/off-prem)**
- **content may not contain retail prices**
 - **no compensation may be exchanged**
- SB 385** **To allow off-prem retailers to provide tasting samples**
- **beer (3 oz), wine (2 oz), spirits (1 oz)**
 - **must be hosted and poured by retail licensee**

Oklahoma

Passed in 2021

HB 2277 **To clarify that on-prem, mixed beverage licensees do not have to honor drink specials at all similarly licensed locations**

Oregon

Passed in 2021

HB 2111 To change the name of the Oregon Liquor Control Commission to the Oregon Liquor and Cannabis Commission (still OLCC !)

HB 2264 To require document retention for three years
- previously two years

To allow Canadian Driver's Licenses for age verification

Oregon

Passed in 2021

SB 317

- To allow on-prem to sell and deliver mixed beverages and wine**
- mixed beverages (3 oz spirits max), wine (6 oz)
 - two drinks per meal
 - third-party deliveries allowed

To consolidate licenses.

Full and Limited On-Premises Sales licensees no longer need an Off-Premises Sales license to sell manufacturer-sealed containers of beer, wine, and cider for carry-out and delivery

Pennsylvania

Passed in 2021

HB 425

To allow licensees who are permanently closing to liquidate (sell) their wine and spirits inventory to another licensee

- must notify the PLCB in writing**

- must include details such as brand, size, and number of containers**

Rhode Island

Passed in 2021

- HB 5105** **To allow on-prem to sell beer/wine/mixed beverages to-go**
- **delivery not permitted**
 - **repeals March 1, 2022**

Tennessee

Passed in 2021

SB 293

To remove the two-year residency requirement

- also removes the 10-year residency requirement for renewals

HB 241

To allow on-prem to sell beer/wine/spirits/mixed beverages for takeout and curbside

- spirits (original manufacturer-sealed bottles prohibited)
- mixed beverages (not to exceed 16 oz)
- repeals July 1, 2023

Tennessee

Passed in 2021

HB 866 **To cap "delivery service licensee" fees (from off-prem retail sales) to 10% of total purchase amount**

Texas

Passed in 2021

- HB 1024** **To allow mixed beverage and private club licensees, with a food and beverage certificate, to sell beer/wine/spirits/mixed beverages for takeout or delivery**
- third-party deliveries allowed
 - spirits in original sealed bottle, up to 375 ml allowed
- HB 1518** **To allow off-prem retailers to sell wine and beer beginning at 10am on Sundays**
- previously 12pm
- To allow hotels to serve alcohol to registered guests at any hour**

Texas

Passed in 2021

HB 1755 **To allow an UNOPENED bottle of wine to be removed from premises by customer (if ordered with food)**
- partially consumed bottles already allowed

Virginia

Passed in 2021

HB 1845 **To extend license reform date from July 1, 2021 to **January 1, 2022****

To allow on-prem to sell beer and wine for takeout and delivery
- **third-party deliveries okay**
- **repeals January 1, 2022**

HB 1879 **To allow "mixed beverage restaurant licenses" to sell mixed beverages for takeout or delivery**
- **two drinks per meal, 16 oz max per drink**
- **third-party deliveries allowed**
- **repeals July 1, 2022**

Virginia

Passed in 2021

- SB 1471** **To rename the “Local Special Events” license as the “Designated Outdoor Refreshment Area” license**
- to also allow local option to increase frequency and duration of licensed events
- SB 1428** **To remove spirits-based RTDs, consisting of 7.5% or less alcohol by volume, from ABC stores**
- except spirits-based RTDs manufactured in VA
 - to be wholesaled by beer or wine distributors

Washington

Passed in 2021

HB 1480 **To allow on-prem to sell beer/wine/mixed drinks for takeout, curbside, or delivery**
 - repeals July 1, 2023

West Virginia

Passed in 2021

- HB 2025**
- To allow beer/wine/spirit sales, on/off-prem, to start at 6am**
 - including Sundays**
 - previously 10am and 1pm**
 - To allow on-prem to deliver beer/wine in original containers**
 - third-party deliveries allowed**
 - To allow on-prem to expand premises for beer consumption**
 - 500 ft**
 - To allow cocktails to be pre-mixed/batched**
 - previously only allowed for frozen drink machine batches**

Wisconsin

Passed in 2021

AB 32

To allow "Class B" retailers (on-prem, full bar) to sell mixed beverages to go

- existing law requires containers no larger than 1.75 liters**
- delivery is prohibited**

Wyoming

Passed in 2021

HB 13

To allow restaurants, clubs, and golf clubs to dispense alcohol anywhere on the licensed premises
- previously only allowed for resort licensees

To remove the requirement to post notice of license application, renewal, or transfer on the premises

Thank You!

Wendy Turk
Director, Regulatory Affairs / Fintech
wturk@fintech.com

