

**PROPOSED REGULATION OF THE  
NEVADA TAX COMMISSION**

**LCB FILE NO. R068-211**

**The following document is the initial draft regulation proposed  
by the agency submitted on 10/26/2021**

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NEVADA TAX COMMISSION**

**LCB File No. xxx**

[Date]

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 360.090, Senate Bill 307 (2021)

A REGULATION relating to taxation; concerning alcoholic beverages; authorizing a retail liquor store to make deliveries of liquor in its original package under certain circumstances; authorizing a person who operates a brew pub to manufacture additional malt beverages for sale outside of this State; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes a retail liquor store, or a delivery support service acting on behalf of a retail liquor store, to deliver liquor in its original package to a consumer in connection with a retail sale of such liquor if: (1) the liquor was purchased by the retail liquor store from a licensed wholesaler; and (2) the delivery takes place in a jurisdiction where the retail liquor store is licensed to sell liquor at retail. (Senate Bill 307 (2021) section 4.7)

This regulation provides the requirements for such deliveries.

Existing law authorizes a person who operates one or more brew pubs to manufacture and sell 60,000 barrels of malt beverages to a wholesaler located outside of this State, subject to such auditing as the Department of Taxation establishes. (Senate Bill 307 (2021) section 4)

This regulation establishes those auditing requirements.

**Section 1.** Chapter 369 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive of this regulation.

**Sec. 2.** *As used in sections 2 to 18, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3. *Beer has the meaning ascribed pursuant to NRS 369.010***

**Sec. 4. *Delivery Support Service means a third party that has a written agreement with a retail liquor store to deliver alcoholic liquor, wine, malt beverage, or beer in original, unopened packages to consumers on the retail liquor store's behalf.***

**Sec. 5. *Liquor has the meaning ascribed pursuant to NRS 369.040.***

**Sec. 6. *Malt has the meaning ascribed pursuant to NRS 369.045.***

**Sec. 7. *Marketing area has the meaning ascribed pursuant to NRS 597.136***

**Sec. 8. *Original package has the meaning ascribed pursuant to NRS 369.050***

**Sec. 9. *Retail liquor store has the meaning ascribed pursuant to NRS 369.090.***

**Sec. 10. *Wine has the meaning ascribed pursuant to NRS 369.140.***

**Sec. 11. 1. *A retailer of liquor or delivery support service acting on behalf of such a retailer may accept orders for liquor including beer, malt beverage and wine and deliver liquor including beer, malt beverage and wine to consumers with the following conditions:***

***(a) Liquor shall not be for resale;***

***(b) Liquor must come directly from the licensed retail liquor store and be in the original package pursuant to NRS 369.050;***

***(c) The sale of liquor must be made by the licensee;***

***(d) The order may be taken by written order, by telephone, in person, or via internet communication with the licensee or its agent.***

**Sec. 12. 1. *When making a delivery of liquor, a retail liquor store or delivery support system must comply with the following requirements:***

***(a) Retailers of liquor must ensure all local licensing requirements have been met prior to engaging in business as a retailer of liquor;***

*(b) Delivery must be made by the licensee or the licensee's employee who is at least twenty-one (21) years of age and is using a vehicle owned or leased by the licensee or delivery support service to make the delivery;*

*(c) Any person delivering liquor for an establishment who meets the requirements of NRS 369.620, must also complete the alcohol beverage awareness program pursuant to NRS 369.630;*

*(d) A delivery of liquor shall only be made to a person twenty-one (21) years of age or older at the address specified in the order;*

*(e) If no person twenty-one (21) years of age or older is present to accept an order of liquor at the time of delivery, the liquor shall be retained by the licensee or its agent and must be returned to the licensee's place of business;*

*(f) Delivery of liquor is prohibited to any person who appears to show signs of intoxication;*

*(g) The delivery may only originate from the retail liquor store and must be in the jurisdiction where the retail liquor store holds a local retail liquor license;*

*(h) The delivery must not violate any marketing areas of any wholesaler. It is the responsibility of the retail liquor store to ensure compliance with this requirement;*

*(i) The delivery of liquor may only occur during the retail liquor stores posted business hours.*

**Sec. 13.** *Any delivery of liquor made by a delivery support service on behalf of a retail liquor store does not meet the definition of a "sale" or "to sell" pursuant to NRS 369.100.*

**Sec. 14. 1.** *A retail liquor store or delivery support service employee who delivers the liquor shall maintain a delivery log which shall include the following:*

*(a) Name of the purchaser;*

*(b) Name and date of birth of the person who accepts delivery as shown on their form of identification listed in subsection 2 of this section;*

*(c) Street addresses of the purchaser and the delivery location, if different;*

*(d) Times and dates of purchase and delivery; and,*

*(e) A signature of the person who receives the delivery.*

*2. Acceptable forms of identification are a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence issued by a government indicating the person is 21 years of age or older. Under no circumstances shall a person under twenty-one (21) years of age be permitted to receive a delivery of liquor.*

**Sec. 15. 1. Retail liquor stores are responsible to maintain all records for deliveries of liquor.**

*2. Records shall include delivery orders, delivery logs, receipts and journals.*

*3. Records shall be preserved for not less than 4 years.*

*4. All records shall be provided to the Department, or its agents, on demand, at any time during business hours. In accordance with NRS 369.550, any person preventing or interfering with such provision and inspection of documents shall be guilty of a misdemeanor.*

**Sec. 16. 1. The Department and/or local government may impose the following penalties on a retail liquor store who violates any of the provisions of this section within any 24-month period:**

*(a) For the first violation a penalty of not more than \$500;*

*(b) For the second violation a penalty of not more than \$1,000;*

*(c) For the third, and any subsequent violation, a penalty of not more than \$5,000 or license suspension, or both.*

**Sec. 17.** *All local governments shall implement and align its own liquor delivery ordinance or code in accordance with Senate Bill 307 (2021) section 4.7 and these regulations.*

**Sec. 18.** *1. Every brewpub who manufactures malt beverages for shipment outside of Nevada shall keep such records as are necessary to determine the amount of malt beverages manufactured for shipment to an out of state wholesaler. Records shall include:*

*(a) Kind and quantity of malt beverages shipped in each order.*

*(b) Name of the out of state wholesaler to whom the malt beverage was shipped.*

*(c) Physical location to which each order was shipped and the date of shipping.*

*2. Preserve those records for not less than 4 years.*

*3. Make the records available for periodic auditing by the Department upon demand at reasonable times during regular business hours.*