

Hello Phillip-

I hope you are well. It seems as if your office has been very busy. I just received the proposed rules today and wanted to ask two questions prior to the hearing.

Below Section [15.10.70.8](#) (A)(1) refers to the receipt of payments and says they must be "done by". The words "done by" are confusing me. Is this meant to mean received by? Third party platforms do not tend to process payments, most use one of two payment processing companies Stripe or Braintree. Accordingly, payments aren't "done by" third party platforms but are facilitated by them. Additionally, I would see the goal of this section is make sure all payments for alcoholic beverages are received by a licensee, correct?

Is there a way to clarify this?

**15.10.70.8 OPERATION AND PROFITING BY AUTHORIZED PERSONS:**

A. No person other than the ~~[approved operator]~~ licensee or lessee or employees of the ~~[approved operator]~~ licensee or lessee, shall sell or serve alcoholic beverages at the licensed premises.

(1) All orders, sales, service, dispensing, delivery and receipt of payment for alcoholic beverages must be done by the ~~[approved operator]~~ licensee or employees of the ~~[approved operator]~~, or the employees of a third-party delivery licensee contracted with for delivery purposes.

(2) Sales of alcoholic beverages by ~~[an approved operator]~~ a licensee or lessee may not be combined with any sales of another person or entity that is not ~~[an approved operator]~~ the licensee or lessee. Nothing in this section shall prohibit the a licensee and a third-party delivery licensee from contracting for the delivery of alcoholic beverages to consumers.

Additionally, Section 15.11.2.15(D)(1) refers to the "identification". What exactly does that mean? Is that a note that a driver's license was shown and scanned or does it mean the actual image of the driver's license, or something else? I ask because data privacy and security laws are complex and typically saving an image of someone's driver's license is something no one really wants to do. I actually think the last person suited to protect personal information are liquor retailers themselves. I believe most scanning software simply keep a record that the ID was run but do not store images of the ID. Accordingly, can this be clarified and if it does mean an actual image is your agency able to have a discussion about data privacy and security?

**15.11.2.15 DOCUMENTS REQUIRED FOR DELIVERY OF ALCOHOLIC BEVERAGES: A licensee holding an alcoholic beverage delivery permit, or a third-party delivery license, must cause all delivery employees to have on their person, during delivery, the following:**

A. The original, or an electronic or physical copy, of the permittees alcoholic beverage delivery permit;

B. A physical or electronic copy of the delivery personnel's server certification;

C. A physical copy of the receipt printout accompanying all alcoholic beverages out for delivery; and

D. Documentation, to be saved for a period of six months, containing the following information:

(1). The identification and age information for the customer who ordered and paid for the alcoholic beverages;

(2). The address alcoholic beverages are to be delivered to;

(3). The quantity and type of alcoholic beverage being delivered; and

(4). The time of alcoholic beverage delivery.

Lastly, if it was more appropriate for me to submit formal comments and to speak at the meeting on the 26th please let me know.

Thank you in advance for your help.

Jacqueline Flug

--

**Jacqueline Flug**

General Counsel

**Drizly** | [www.drizly.com](http://www.drizly.com)

917-302-3041