



Guidance on Delivering and Shipping Direct-to-Consumers

UPDATED MARCH 18, 2020

SELLING AND DELIVERING BEER DIRECT TO CONSUMERS

Q: Am I allowed to DELIVER my beer directly to consumers?

Yes. Keep in mind that your brewery (type 23 /01) still holds the liability if the beer is delivered to someone under 21 or overly intoxicated.

Exchange of money and order have to be on the licensed premises under current law with phone & online sales counting as on the licensed premise. (This is the same with third party deliveries who pick up on behalf of the customer and deliver)

Q: Can I do a “curb side” pick up for consumers?

If the parking lot is part of the licensed premises there is no problem with taking orders and bringing the beer to customers in their cars and even taking orders curbside.

If the parking area is off their licensed premises, the brewery may deliver beer to a customer’s car as long as the transaction for the sale and transfer of title occurs on the licensed premises either by phone or by an internet based sale.

Please note: this is only for sealed containers, like cans, growlers, and crowlers. Not for to go cups.

Q: Am I allowed to work with a third-party to deliver my beer directly to consumers?

A third-party, non-licensed entity may deliver purchased beer from your license directly to consumers.

However, keep in mind that whether your brewery employee delivers the purchased beer directly to consumers or a third-party non licensed entity, your brewery (type 23 /01) still holds the liability if the beer is delivered to someone under 21 or overly intoxicated.



Q: Are there any restrictions on when I am allowed to deliver beer to consumers?

Delivery can be made anytime other than 2:00-6:00am. Unlike wholesale, direct sale to a consumer and delivery is allowed on a Sunday.

Q: Am I required to charge posted prices when delivering beer to consumers?

No, you do not have to post your direct-to-consumer prices with the ABC.

Q: Am I required to charge a delivery fee when delivering beer direct to consumers?

Not required by the ABC to charge a delivery fee, but this should be “included” in the cost of the beer.

Q: Are there different requirements for selling a keg of beer directly to consumers?

Section 25659.5 of the ABC code requires you to tag and track kegged beer sold directly to consumers.

SHIPPING BEER DIRECT TO CONSUMERS

Q: Am I allowed to SHIP my beer directly to consumers?

A: A type 23 may sell and ship directly to a consumer in California. Your brewery is responsible for the transaction and holds all responsibility, including not selling to minors or to overly intoxicated people – both which are violation on your license.

The USPS does not allow shipping of alcohol and UPS and Fed Ex have specific requirements.

Many CCBA members use GSO for shipping.

Q: Am I allowed to SHIP my beer directly to consumers in another state?

To sell or ship beer into another state, you need to adhere to that particular state’s alcohol laws. Although there are a few states that allow direct shipping to consumers from an out-of-state brewery, most states only allow an out-of-state brewery to ship to a licensed wholesaler. When shipping into another state, whether to a consumer (if allowed) or a wholesaler, you should be aware of the various restrictions such as label approval and/or brand registration, tax



reporting, licensing, etc.

Q: Am I required to charge a shipping fee for delivery to consumers?

Not required by the ABC law, although the delivery should be included in the cost of the product.

ADDITIONAL QUESTIONS?

PLEASE EMAIL ABC@CALIFORNIACRAFTBEER.COM

The CCBA provides information to help California brewers comply with ABC regulations and is intended only as general guidance. The consultation is not legal advice and does not replace the advice or representation of a licensed attorney. The CCBA highly recommends that all licensed beer manufacturers have an attorney or consultant review matters pertaining to ABC compliance.