



Guidance on Delivering and Shipping Beer Direct-to-Consumers

SELLING AND DELIVERING BEER DIRECT TO CONSUMERS

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

A type 23 or type 01 may sell and deliver directly to a consumer in California. Your brewery is responsible for the transaction and holds all responsibility, including selling to minors or to obviously intoxicated people which are violations of your ABC license.

The sales order has to be conducted on the licensed premises under current law with phone and 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: 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 years of age or obviously intoxicated.

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

Delivery can be made anytime EXCEPT between the hours of 2:00 a.m. and 6:00 a.m. daily. 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?

You are not required by the ABC to charge a delivery fee, however you cannot advertise "free delivery."

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 type 23 may sell and ship directly to a consumer in California. Your brewery is responsible for the transaction and holds all responsibility, including selling to minors or to obviously intoxicated people which are violations of your ABC license.

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.

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.