

## **Direct and Indirect Delivery of Alcohol**

Under Section 65.1, a licensee or server can be legally responsible for either direct delivery or indirect delivery of alcohol to an underage person.

**Direct Delivery** is the simplest form of delivery to understand. It's when you, as the licensee or server, directly sell or serve alcohol to an underage person.

**Indirect Delivery** can be a little more complicated and therefore you need to understand what you are legally required to do to prevent the indirect sale or service of alcohol to an underage person. You are legally required to be aware of conditions within the licensed establishment. What that means is, you have to pay attention to your surroundings, monitor the establishment and patrons to ensure that alcohol is not being delivered to underage persons. *Matter of Beverly Lanes, Inc. v. Rohan.*

Why? Because if you sell or serve alcohol to a person who then redelivers it to an underage person, then you are legally responsible. Specifically, the law states that: If the licensee or server knows or should know in the exercise of reasonable diligence that another individual (usually, but not necessarily, a patron) is delivering or has delivered alcohol to an underage person, and if the licensee or server does not act to stop or withdraw such delivery, then the licensee or server has, by his or her inaction, permitted that other individual to deliver alcohol to an underage person, and the licensee and/or server will be held responsible for the delivery. *Matter of Al Ronick, Inc. v. New York State Liquor Authority*; *Matter of Austin Lemontree, Inc. v. New York State Liquor Authority*.

### **Off-Premises Indirect Delivery**

If an off-premises licensee or employee makes an alcohol delivery to an adult customer under circumstances which would indicate to a reasonable person that the alcohol is likely to be shared with or redelivered to a person under the legal age; and if the adult customer actually does share the alcohol with a person under the legal age, or actually does redeliver the alcohol to a person under the legal age, then the licensee or employee will be held to have permitted the delivery of alcohol to a person under the legal age, in violation of § 65.1.

**Multiple Delivery** is a form of indirect permissive delivery of alcohol to an underage person made as the result of the sale or service of multiple alcoholic beverages to a single individual. "Multiple delivery" includes the delivery of a quantity of alcohol which would reasonably be consumed by more than one

person, such as, a pitcher of an alcoholic beverage with more than one glass, cup, or mug; or more than one bottle, can, shot or other serving of an alcoholic beverage. *Matter of Beverly Lanes, Inc. v. Rohan*.

If a licensee or server serves more than one alcoholic beverage to an individual patron, the licensee or server is obligated to accompany the individual to the area of where the drinks will be consumed to make sure that no alcohol is given to an underage person. The licensee or server will be held legally responsible for failing to follow the patron and that patron delivers alcohol to an underage person.