



February 15, 2022

VIA E-MAIL

Chairman John Barker  
Room 285-N  
Kansas State Capitol Building  
300 SW 10th Street  
Topeka, KS 66612

**Re: HB2611**

Dear Chairman Barker:

Drizly is the nation's first and leading platform for on demand alcohol delivery. Established in 2013, Drizly connects consumers of legal drinking age with licensed local off-premise retailers for delivery of alcoholic beverages. Drizly operates in over 30 states and over 1,200 markets. We write today in support of HB2611.

HB2611 establishes a thoughtful and safe model for the delivery of alcoholic beverages. The bill abides by the central principles of alcohol regulation in that it aims to ensure the licensed retailer controls the sale. For example, the bill requires the retailer "retains sole discretion to determine whether to accept an order and to complete a sale transaction". The bill also requires the retailer to be the "merchant of record at all times" as only those licensed to sell alcoholic beverages can be listed or reported as having sold them.

Additionally, the bill takes appropriate actions to ensure alcoholic beverages are not sold to minors. However, Drizly asks the Committee several questions about these provisions to clarify the bill's intent. Section 2(f)(1) references a "certification of such individual's age". Does this mean there is a form or some specific type of certificate the bill is referring to or that the law will require? If not, may we suggest the bill use the word "verification" which by its plain meaning requires establishing accuracy and truth? We would make the same suggestion for the word "authenticating" in Section 2(f)(1). The word authenticate is best used when determining if an identification is actually issued by a government agency rather than saying an age is authenticated. We suggest the bill use the verb verify in its place as well.

Lastly, please understand that while Drizly is the nation's leading platform for the delivery of alcoholic beverages from off-premise consumers, Drizly does not deliver alcoholic beverages nor does it contract with subcontractors or independent contractors to do so. Retailers who use

Drizly are in control of the sale and determine how to deliver the item to the consumer. 75% of Drizly orders are delivered by employees of retailers and the other 25% are delivered based upon agreements between the retailers and third party delivery companies. Drizly does not provide delivery services but rather technology, a marketplace and app for retailers and consumers to connect. Accordingly, because Drizly does not deliver alcoholic beverages nor touch alcoholic beverages, we believe a reading of this bill would not require Drizly to obtain a license. However, to ensure that view is upheld by future regulators, we request the following language be added to the bill to remove room for debate:

**Nothing in this section shall be construed to require a technology services company to obtain a delivery permit if the company does not employ or contract with delivery drivers, but rather provides software or an application that connects consumers and licensed retailers for the delivery of alcoholic beverages from the licensed retailer.**

Almost identical language can be found in the alcohol delivery statutes in Alabama, Mississippi, North Carolina and in pending South Carolina bill H3575.

With over 8 years of experience and regulatory compliance with alcoholic beverage delivery Drizly has knowledge and expertise we are happy to share with the Committee. We thank you for your time and attention to this important matter.

Sincerely,

Jacqueline P. Flug  
General Counsel. SVP  
Drizly LLC