

# Delivery of Liquor by Third-Party Protocol

July 22, 2021

## Authority

The authority for the third-party delivery of liquor with food purchased from liquor licensed establishments is set out in a [Direction](#) issued by the Minister of Municipal Affairs pursuant to the [Emergency Management Act](#). Part 1(c) of the Direction states:

All persons involved in the delivery of alcohol for the third-party must comply with the *Delivery of Liquor by third-party Protocol* made by the Executive Director of the Alcohol, Gaming, Fuel and Tobacco Division.

This document is the Protocol made by the Executive Director of the Alcohol, Gaming, Fuel and Tobacco Division (AGFT). It shall remain in effect until such time as the Minister's Direction expires or is revoked.

Pursuant to the Direction, the Executive Director of AGFT hereby adopts the [Liquor Licensing Regulations](#) as part of this Protocol, particularly sections 58B, 58C, 58D, and 59 thereof, and declare that they apply *mutatis mutandis* to Delivery Drivers and Third-Party Delivery Companies.

## Definitions

"Delivery Driver" means an individual, either affiliated with a Third-Party Delivery Company or acting on their own behalf, who delivers food and liquor from a Licensee, but does not include an individual who is directly employed by a Licensee;

"Licensee" means a person who holds a liquor license issued pursuant to Section 48 of the [Liquor Control Act](#) and who is subject to the [Liquor Licensing Regulations](#);

"liquor" means **only** the types of alcoholic liquids authorized for take-out or delivery under sections 58C and 58D of the [Liquor Licensing Regulations](#), currently consisting of beer, wine, cider, ready-to-drink beverages, and, while the state of emergency is in effect, mixed drinks;

"Liquor Control Act" means the [Liquor Control Act](#), being Chapter 260 of the Revised Statutes of Nova Scotia 1989, as amended;

"Liquor Licensing Regulations" means N.S. Reg 365/2007, made under the Liquor Control Act;

“Third-Party Delivery Company” means any corporation, partnership, sole proprietorship or other entity that in any way facilitates the delivery of liquor with food from a Licensee.

## Application

This Protocol applies to all Delivery Drivers, Licensees, and Third-Party Delivery Companies who operate in Nova Scotia.

## Responsibilities of Licensees

### Licensees must ensure Delivery Drivers:

- are at least 19 years of age and have completed the required training;
- have been instructed to verify that the recipient of an order is at least 19 years of age before delivering the liquor portion of the order;
- are aware that **the liquor portion of an order must be returned to the Licensee** if the Delivery Driver cannot verify the age of the recipient, the recipient is under 19 years of age, the recipient is intoxicated, or liquor cannot be consumed at the delivery location;
- keep a log of any alcohol that could not be delivered, including the reason that it could not be delivered.

### Licensees must also

- Not penalize Delivery Drivers in any way when liquor is returned;
- Keep delivery transaction records for at least two years, with the following information recorded for each order:
  - Date and Time of pickup
  - Address of each delivery
  - Value of food purchased
  - Value and type of alcohol purchased
  - Delivery fee
  - Total amount paid.

## Responsibilities of Drivers

### Delivery Drivers must:

- be at least 19 years of age and have completed the required training;
- not deliver the liquor portion of an order unless they verify through valid government ID that the recipient is at least 19 years of age;
- not deliver the liquor portion of an order to any place where liquor cannot be legally consumed (e.g., parks, beaches, public spaces);
- **return the liquor portion of an order to the Licensee** if the Delivery Driver cannot verify the age of the recipient, the recipient is under 19 years of age, the recipient is intoxicated, or liquor cannot be consumed at the delivery location.

## Responsibilities of Third-Party Delivery Companies

### Third-party Delivery Companies must ensure that Delivery Drivers:

- are at least 19 years of age and have completed the required training;
- have been instructed of the requirements for delivering liquor with food under the [Liquor Licensing Regulations](#), including the requirement not to deliver liquor to underage and intoxicated individuals;
- are not penalized in any way when they return liquor to a Licensee.

## Approved Training Courses for Responsible Beverage Service

As set out in part 1(a) of the Direction, Delivery Drivers must complete any training that is required by the Executive Director prior to providing delivery services. The following training course(s) relating to the safe service of liquor are currently required:

*Delivery of Liquor by 3rd Party Driver* – Online Course - Alcohol, Gaming, Fuel and Tobacco

[Click Here to Register and Login.](#)

**NOTE:** Third Party Delivery Drivers who completed the *Serve Right Server* course **before** July 19, 2021 do not need to complete the *Delivery of Liquor by 3rd Party Driver* course at this time. Drivers are asked to contact AGFT so that their existing status can be recorded.

## Penalties

Any Licensee who fails to follow this Protocol shall be subject to licensing action. Delivery Drivers and Third-Party Delivery Companies who fail to follow this Protocol may be prohibited from making future deliveries for Licensees.

Violating a Direction under the Emergency Management Act can, upon summary conviction, result in fines of up to \$10,000 for individuals and up to \$100,000 for corporations.