

## Click & Collect Alcohol Policy Check List

This check list is a supplement to *Click & Collect Alcohol Sales* prepared by the Wisconsin Alcohol Policy Project.

Understanding and being involved in alcohol licensing allows a community group or coalition to prevent dangerous over-concentrations of alcohol outlets and understand changes in alcohol sales that can have a negative impact on the community, such as Click & Collect sales.

Follow these general steps to determine how the necessary changes to allow Click & Collect alcohol sales are processed in your community. Because alcohol licensing is a municipal responsibility in Wisconsin, what you learn in one community may not apply in another.

If you are unfamiliar with how locations that sell or serve alcohol are licensed in Wisconsin, it will be useful to review materials prepared for community members on the Wisconsin Alcohol Policy Project's webpage on alcohol licensing:

[https://law.wisc.edu/wapp/licensing\\_alcohol.html](https://law.wisc.edu/wapp/licensing_alcohol.html).

Local alcohol licensing and amendments to existing licenses begin at city or village offices with the people who process alcohol license applications:

- Ask the person responsible for alcohol licenses (usually the municipal clerk) if any applications to expand the licensed premises for Class A (off-premises licensees) have been filed.
- Ask how you can quickly learn when applications to amend the licensed premises are filed. Often there are e-mail lists/listservs for committees or websites where all alcohol applications are posted.
- Find out how alcohol license applications and amendments to current applications are reviewed. Every municipality has its own process. For example: Does a committee review the application before it is reviewed by the full governing body?

NOTE: A detailed checklist on alcohol licensing in Wisconsin is available online at:  
[http://law.wisc.edu/wapp/wapp\\_final\\_combined\\_license\\_memo\\_04-21-15\\_.pdf](http://law.wisc.edu/wapp/wapp_final_combined_license_memo_04-21-15_.pdf)

- Find out who within the Police Department reviews or comments on these applications.
- Reach out to this person to determine what opinions or information they may have about alcohol sales through Click & Collect.

- If an application to amend the description of the licensed premises by a grocery store or bigbox retailer like Wal-Mart was filed, secure a copy along with any additional documentation and information provided by the applicant.

For example, a drawing of the parking lot or a narrative description of the alcohol-sales policy is important information that can raise or allay fears. These are public records and will be provided upon request.

- Consider asking local independent liquor stores what they think of allowing Click & Collect alcohol sales—they may be concerned that it will hurt their sales and planning to oppose the expanded premises.
- Visit the proposed expanded area to document any outdoor lighting, distance from store, and foot traffic. Take pictures with your phone if the expanded premises are in a dark or isolated portion of the parking lot. Could you check an ID and verify a purchaser in that location?
- Attend the committee or license review meeting, collect the names of those present, and take notes using the list below as a guide.

Is there discussion of how Click & Collect sales will meet the five requirements of state law **(in bold)**? Note if each are discussed:

- The sale must be face-to-face.**
- How will the seller check for fake IDs?
- Will the seller check to determine the name on the credit card is the person taking delivery? [NOTE: This may or may not be an issue for your local police.]
- The sale must take place on the licensed premises.** If the sale is completed in the store before pick-up, it occurs on the licensed premises but isn't face-to-face. If the sale occurs in the parking lot that isn't included on the description of the licensed premises, it has taken place off premises.
- The purchaser must age 21.** How does the retailer plan to verify the age of the purchaser? Is it physically possible to examine an ID at the delivery spot in cold or wet weather? It isn't sufficient for the retailer to assert they will take steps—they should explain how they will implement the stated policy.
- The seller must be a licensed "operator" or under the supervision of a licensed operator.** Most retailers are simply having the individuals assembling and delivering these orders become licensed operators, but each community licenses operators. Someone licensed in City A needs a second operators-permit to be licensed in City B. The current responsible beverage-server training has no information or guidance for Click & Collect sales. What training does this retailer provide these individuals?
- The purchaser is not intoxicated.** Does the retailer have a procedure for terminating a sale if the customer is intoxicated?

## How is the expanded licensed area described?

- Where are the additional areas to be located?
- Does that area have lighting?
- Does that location have video coverage?
- Is this area isolated from foot traffic?
- What hours will alcohol orders be allowed? Should ordering conclude before high school recesses for the day?
- Exactly how is an alcohol order assembled?
- Who assembles the entire order?
- Is an itemized tape prepared? Is it a receipt indicating the sale was already completed?
- When is the credit card charged for the order? [NOTE: It could be asserted the sale occurs when the card is charged. If that is done when the order is assembled, is it really a face-to-face sale?]
- Is the individual who delivers the order a licensed operator? Clearly someone outside the building checking an ID is not under supervision; that individual needs to be a licensed operator (bartender).
- What equipment is provided to the licensed operator conducting the sale? For example, is a flashlight to read the ID provided, or is ambient light sufficient? Is a scanner to record the credit card sale or scan ID provided?
- When is the ID checked?
- When is it determined that the name on the order is the name on the ID? The answer may be never. If the order is under a different name, it is arguable that the sale isn't a face-to-face sale and the individual with the ID is only delivering, not purchasing, the alcohol.
- Are the sales policies attached to the license or part of a contractual agreement with the municipality?
- What consequences does the retailer face for failing to abide by the sales policy? [NOTE: There may not be any consequences, which is why it is important to find out.]
- Consider making a statement. Taking a position isn't required, but a simple statement that your coalition is concerned that this type of sale will increase youth access to alcohol and increase underage drinking is very useful, because it reframes this as a public safety issue.

What recommendations are made to the full Council:

- By the review committee
- By the police
- By the public health department
- By the Chamber of Commerce or other local business group
- By your coalition

What license conditions are recommended? License conditions are specific requirements added to the alcohol license by the community at the time it is issued or amended. Failure to fulfill license conditions are serious violations and may be reason to suspend, non-renew, or revoke a license.

A brief general summary of alcohol license conditions is available on line at:

[http://law.wisc.edu/wapp/license\\_conditions.pdf](http://law.wisc.edu/wapp/license_conditions.pdf)

Here are the conditions added by the City of Fond du Lac in October 2017:

- The system must allow the purchase of alcohol or tobacco to be denied without affecting the remainder of the purchase.
- If the purchaser is not the driver of the vehicle, the Agent/Licensed Employee must ensure the driver is 21 or older.
- Payment cannot be consummated until the purchaser is at the licensed premise and identification has been verified.
- A Licensed Bartender/Operator must perform the sale/delivery.
- No alcohol sales are permitted if the purchaser does not have valid photo identification.
- The name on the order must match the name on the ID when purchasing alcohol or tobacco products.
- Tasting events are prohibited in the parking lot.
- Minimum 4-hour waiting period between order time and pick-up time for alcohol and tobacco.

Click & Collect is an evolving form of retail sales, but the growth of internet sales suggests some form of Click & Collect will be part of the retail landscape for the foreseeable future. Coalitions working with public health leaders and law enforcement can help shape Click & Collect policies that protect community safety and health.