

## BEFORE THE LIQUOR CONTROL COMMITTEE

Public hearing on House Bill 41

Public Hearing: June 26, 2023

### COMMENTS OF UBER TECHNOLOGIES, INC.

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My name is Freddi Goldstein, and I am here on behalf of Uber. We appreciate the opportunity to have a conversation with the House Liquor Control Committee on the responsible delivery of alcohol.

As you may already know, Uber is a technology company and our Uber Eats product is an online marketplace platform that connects merchants, consumers, and a network of independent delivery people in their communities. Today, Uber Eats provides a platform for the facilitation of alcohol delivery from retailers in more than two dozen U.S. states.

Uber Eats fully recognizes the safety concerns around the delivery of alcohol, and specifically the necessity for requirements at the point of delivery. Our platform is committed to helping ensure the safe and legal delivery of alcohol and we are supportive of this.

We wanted to take a moment and address some concerns surrounding the training of Uber Eats delivery people.

#### **Delivery Person Education**

Uber Eats provides materials on safe alcohol delivery to all delivery people who consider delivering alcohol. Our existing materials on safe and legal alcohol delivery were developed in partnership with Responsibility.org - a leading organization for responsible alcohol consumption - and in alignment with the International Alliance for Responsible Drinking (IARD) - a coalition of online retailers and platforms with whom we partnered to develop global standards to prevent the online sale and delivery of alcohol to minors. These materials are provided to delivery people when they opt into alcohol deliveries, and are re-sent regularly.

And just as - if not more importantly - every time alcohol is delivered, delivery people must use our in-app technology to assess recipients' sobriety and verify the customer's age by scanning a valid ID before completing the delivery. Above all, our approach is designed to be relevant to delivery people, and promote compliance on every single alcohol trip.

As currently written, the bill requires delivery people to qualify as a server either (1) under the state's [RAMP program](#), or (2) under an approved alternative training program.

We have seen in other states that the first path poses a serious challenge for delivery people. Requiring delivery people who have a limited scope of interaction with a consumer to take a course designed for full-time bartenders or restaurant servers will create barriers to accessing earning opportunities for delivery drivers and will impact whether Uber Eats is able to offer this delivery option to merchants, thereby threatening merchants' ability to offer - and consumers' ability to receive - alcohol for delivery.

We would like the opportunity to have our own materials approved as an alternative training program to ensure what has worked in other states will also work in the Commonwealth. We respectfully request stakeholder engagement on delivery person training to determine the appropriate, right-sized requirements for programs tailored to delivery people.

### **Safety Every Step of the Way**

Ensuring safety is at the forefront of our delivery protocol.

First, prior to even the point of sale, customers are alerted to age restrictions when browsing various alcoholic items on the menu.

Next, when the customer is ready to check out, they are prompted to affirm they are 21 or over and informed they will be required to show the delivery person a valid ID and must not be visibly intoxicated.

After the order is accepted by the retailer, it is routed to a delivery person working on our platform for pick up and delivery.

Couriers who deliver alcohol must be 21 or older and must have opted-in to delivering alcohol - they are not automatically opted-in to delivering alcoholic items. As mentioned earlier, all couriers agree to abide by federal + state laws when delivering alcohol, and they receive important information on how to deliver alcohol safely throughout their tenure delivering alcohol through Uber Eats. We share alcohol safety education reminders with couriers via the safety education messages and emails we send to couriers every two months, our Community Guidelines, which all delivery people agree to follow, and our Alcohol Deliveries webpage.

We also consistently track and monitor courier ID scan compliance, and if a delivery person does not follow the appropriate protocol, we take appropriate action, which may include removing their ability to deliver alcohol.

Before the delivery person can complete an alcohol delivery, the app guides delivery people through a recipient sobriety check and provides a list of common signs of intoxication to help delivery people ensure the customer is sober in alignment with guidance from Responsibility.org.

The ID scan process involves both a review of the recipient's ID, as well as a scan of the DOB and ID expiration date. The app won't allow the delivery person to proceed with the delivery until the delivery person completes the age verification process.

If the delivery person determines the customer appears to be intoxicated or is unable to provide the necessary ID, they are prompted to return the delivery to the retailer. The app changes the delivery person's destination back to the retailer, and the delivery person is paid for the return trip. Trips with alcohol also have customized in-app support options to provide additional, contextual information to help the delivery person in the case of an underage or intoxicated customer.

We also have policies in place to remove alcohol from consumers' apps if they are unable to provide a valid ID or are too intoxicated to receive the delivery.

Lastly, to support those who are sober, customers can opt-out of seeing alcohol altogether.

Uber Eats appreciates this Committee's attention to this important matter and looks forward to the opportunity to work together to put Pennsylvania on par with 27 other states nationwide. It is our hope that the information above serves to better inform discussion on HB 41 and we thank you for your time and consideration.

July 5, 2023

Freddie Goldstein  
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Dear Ms. Freddie Goldstein:

Thank you for testifying before the Pennsylvania House Liquor Control Committee public hearing on House Bill 41. This public forum provided both an opportunity to gain insight on third party delivery to Pennsylvania consumers and provided members the chance to ask questions and address concerns.

Many of the committee members' questions and concerns brought forward during the hearing addressed public safety, access to minors and training programs offered to employees of third-party delivery companies. As such, we respectfully request the following information so that the committee may further evaluate the issue of third-party delivery of alcohol and work on improving the legislation as we move through the legislative process.

We respectfully request the following information which we will share with the members of the House Liquor Control Committee:

- A copy of the alcohol training information, policies, procedures, and documents that are required for a driver to deliver alcohol through your company's platform. Please be sure to share what the training covers and requirements that an individual must complete in the training, frequency of training and if any testing or proof of completion is required.
- Incidents of violations of state law, as it relates to alcohol, where your company operates as a third-party alcohol deliverer. Please include the number of citations or instances where the company or the driver operating through the platform has received legal notification from law enforcement or regulating agency for a violation regarding alcohol delivery by a driver for the company. Please provide a breakdown for each state where your company is licensed to operate and deliver alcohol and provide the number of citations and nature of the citation violation.

- Statistics regarding the frequency and reasons a driver operating within your platform could not complete delivery of an alcohol product whether due to lack of identification, visible intoxication or other reason that would prohibit delivery.

As mentioned several times in the hearing, Pennsylvania will not be the first state to pursue legislation allowing the delivery of wine and beer to consumers and it is important to evaluate what has worked, or not worked, in states that currently allow third-party delivery. The information you will provide will help our offices move forward with the best working legislative solution for our Commonwealth and its consumers.

Sincerely,



Daniel Deasy,  
Majority Chairman  
Pennsylvania House of Representatives  
Liquor Control Committee

Mindy Fee,  
Republican Chairman  
Pennsylvania House of Representatives  
House Liquor Control Committee

cc: House Liquor Control Committee Members