

2021 Regular Session

HOUSE BILL NO. 219

BY REPRESENTATIVE ILLG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Provides relative to delivery of ready-to-drink alcoholic beverages by restaurants

1 AN ACT

2 To amend and reenact R.S. 26:271.2(2)(b) and 308(B) and (C)(2)(b) and to enact R.S.
3 26:2(32) and 241(27), relative to alcohol delivery; to provide for definitions; to
4 provide for the delivery of ready-to-drink beverages; to provide for permits needed
5 to enter into delivery agreements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:271.2(2)(b) and 308(B) and (C)(2)(b) are hereby amended and
8 reenacted and R.S. 26:2(32) and 241(27) are hereby enacted to read as follows:

9 §2. Definitions

10 For purposes of this Chapter, the following terms have the respective
11 meanings ascribed to them in this Section, unless a different meaning clearly appears
12 from the context:

13 * * *

14 (32) "Ready-to-drink beverage" means an alcoholic beverage containing low
15 or high alcohol content as defined in this Section and R.S. 26:241, that is pre-
16 packaged, pre-measured, and pre-mixed to be sold in a manufacturer sealed container
17 ready for immediate consumption.

18 * * *

1 §241. Definitions

2 The following terms have the respective meanings ascribed to them except
3 in those instances where the context indicates a different meaning:

4 * * *

5 (27) "Ready-to-drink beverage" means an alcoholic beverage containing low
6 or high alcohol content as defined in this Section and R.S.26:2, that is pre-packaged,
7 pre-measured, and pre-mixed to be sold in a manufacturer sealed container ready for
8 immediate consumption.

9 * * *

10 §271.2. Class A permit; definitions

11 The commissioner shall issue the following four types of Class A retail
12 permits for beverages of low alcoholic content:

13 * * *

14 (2) Class A-Restaurant:

15 * * *

16 (b) Notwithstanding any provision of law to the contrary and subject to rules
17 promulgated by the commissioner, in addition to the authority to contract with a
18 third-party delivery company or a third-party platform as provided in R.S. 26:308,
19 a permit may be issued to a "restaurant establishment" enabling the delivery of
20 restaurant prepared food and malt beverages, ready-to-drink beverages, sparkling
21 wine, and still wine, as defined in R.S. 26:2 and R.S. 26:241 with its own employees
22 or agents for which the retailer is required to file an Internal Revenue Service Form
23 W-2 or 1099. Notwithstanding the provisions of R.S. 26:271(A)(2), the permit fee
24 for the permit issued pursuant to this Subparagraph shall be two hundred fifty
25 dollars.

26 * * *

27 §308. Alcoholic beverages delivery agreements; requirements; limitations

28 * * *

1 B. Notwithstanding any provision of law to the contrary, a retail dealer
2 possessing a valid Class A-General ~~retail permit~~ or Class-A Restaurant permit as
3 provided in R.S. 26:271.2, a Class "R" restaurant permit as provided in R.S. 26:272,
4 or a package house-Class B, as defined in R.S. 26:241, permit as provided in this
5 Chapter may enter into a written agreement with a third-party delivery company or
6 a third-party platform for the use of an internet or mobile application or similar
7 technology platform to facilitate the sale of alcoholic beverages for delivery to
8 consumers for personal consumption within this state and the third-party delivery
9 company or the third-party platform may deliver alcoholic beverages to the
10 consumer.

11 C. An alcoholic beverage delivery agreement between a retail dealer and a
12 third party shall require all of the following:

13 * * *

14 (2)

15 * * *

16 (b) Only malt beverages, ready-to drink-beverages, sparkling wine, and still
17 wine, as defined in R.S. 26:2 and 241 are offered for delivery from the licensed
18 premises of a restaurant permit holder.

19 * * *

20 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
21 arrange in alphabetical order and renumber the definitions provided in R.S. 26:2 and 241.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Creates a definition for "ready-to-drink beverages" and provides for delivery of ready-to-drink beverages from restaurants.

Proposed law adds a definition for "ready-to-drink beverages".

Proposed law defines "ready-to-drink beverages" as an alcoholic beverage containing low or high alcohol content as defined in R.S. 26:2 and 241, that is pre-packaged, pre-measured,

and pre-mixed to be sold in a manufacturer sealed container ready for immediate consumption.

Present law provides for the four type of Class-A retail permits available for beverages of low alcohol content:

- (1) Class A-General.
- (2) Class A-Restaurant.
- (3) Class A-Special.
- (4) Class A-Restaurant-Conditional.

Proposed law retains present law and adds ready-to-drink beverages to the list of beverages that can be delivered from a restaurant with a proper Class A-Restaurant permit.

Present law provides for delivery agreements between retail dealers and third-party delivery companies, pursuant to retailers possessing a valid Class A-General, Class "R" restaurant, or Class B permit.

Proposed law retains present law and provides that retail dealers possessing Class A-Restaurant permits may enter into delivery agreements with a third-party delivery company.

Present law enables a restaurant possessing a proper Class-B permit with the ability to deliver malt beverages, sparkling wine, and still wine.

Proposed law retains present law and adds ready-to-drink beverages to the list of beverages that can be delivered from a restaurant possessing a proper Class-B permit.

Proposed law authorizes the La. State Law Institute to arrange in alphabetical order and renumber the definitions provided in R.S. 26:2 and 241.

(Amends R.S. 26:271.2(2)(b) and 308(B) and (C)(2)(b); Adds R.S. 26:2(32) and 241(27))