
DIGEST

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HB 285 Original

2018 Regular Session

Stefanski

Abstract: Permits the sale and delivery of alcoholic beverages beyond the licensed premises, outlines the requirements and criteria retail dealers must follow in order to deliver alcoholic beverages, and authorizes the use of a third-party facilitator for the delivery of alcoholic beverages.

Proposed law provides that retail dealers of beverages of low and high alcoholic content may provide delivery services by submitting to the commissioner of the office of alcohol and tobacco control ("the commissioner") a written notification of the dealer's intent to provide alcohol delivery services and a sworn affidavit acknowledging an understanding of the relevant provisions of law.

Proposed law provides the following restrictions on a retail dealer's alcohol delivery services:

- (1) Only alcohol purchased from a wholesaler licensed in Louisiana may be offered for delivery.
- (2) Only alcoholic beverages intended for personal consumption and in a sealed container may be delivered.
- (3) Deliveries can only be made on days and during the hours a retail dealer is authorized to serve or sell alcoholic beverages.
- (4) Deliveries cannot be made in an area where the sale of alcoholic beverages has been prohibited by a referendum vote.

Proposed law allows a retail dealer to charge a reasonable fee for delivery and to accept orders at the licensed premises, via telephone, online, or through a mobile application.

Proposed law requires the recipient of all alcoholic beverages deliveries to be 21 years old or older and to sign for the alcoholic beverage delivery.

Proposed law requires a retail dealer's delivery agent to refuse delivery and return the alcoholic beverages to the licensed premises if:

- (1) The recipient does not produce valid identification verifying he is 21 years old or older.
- (2) The recipient is intoxicated.

- (3) There is reason to doubt the authenticity of the recipient's identification.
- (4) The recipient refuses to sign for the delivery.

Proposed law requires the retail dealer to keep a record of each delivery of alcoholic beverages for at least two years from the date of delivery. Further, the retail dealer must make the records available to the commissioner upon request.

Proposed law allows a retail dealer to enter into a written agreement with a third party for the sale of alcoholic beverages through the internet or mobile application platform and the delivery of alcoholic beverages by submitting written notification to the commissioner of its intent to utilize the services of a third party.

Proposed law places the following restrictions on the third party entities a retail dealer may contract with:

- (1) The third party must be registered and authorized to do business in this state.
- (2) The third party cannot hold a Louisiana alcoholic beverage permit of any class or type.
- (3) The third party display the retail dealer's registered trade name on all websites, mobile applications, and advertisements associated with the sale and delivery of the alcoholic beverages.

Proposed law allows a retail dealer to pay the third party a fee for its services and further allows the third party to charge a reasonable delivery fee.

Proposed law requires the full amount of each order of alcoholic beverages to ultimately be in the complete control of a retail dealer, but allows a third-party to collect payment from the sale of alcoholic beverages as an agent of a retail dealer.

Proposed law provides that all deliveries made by a third party are subject to the same restrictions as deliveries made by a retail dealer.

Proposed law provides that a retail dealer is responsible for all unlawful deliveries of alcoholic beverages and all violations caused by a third party while the third party is acting on behalf of the retail dealer.

Proposed law requires a retail dealer to:

- (1) Determine what alcoholic beverages will be offered for sale through a third party.
- (2) Determine the price of all alcoholic beverages offered for sale through a third party.
- (3) Accept or reject all orders for alcoholic beverages placed through a third party's internet or

mobile application platform.

- (4) Collect and remit all applicable taxes.

Effective August 1, 2018.

(Adds R.S. 26:153 and 307)