
DIGEST

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HB 571 Reengrossed

2021 Regular Session

Stefanski

Abstract: Provides relative to the regulation of alcoholic beverage delivery.

Present law allows for parishes and municipalities to issue and require local permits for the delivery of alcoholic beverages by grocery stores, restaurants, and third parties.

Proposed law prohibits a parish or municipality from requiring permits of any third party which has been issued a Class D delivery service permit.

Present law allows certain retail dealers to enter into an agreement with a third-party to facilitate the sale of alcoholic beverages for delivery.

Proposed law retains present law and additionally authorizes agreements for the sale of alcoholic beverages for curbside pickup for holders of Class B permits.

Present law prohibits the delivery of alcoholic beverages to a state college, university, technical college or institute, or an independent college or university located in this state.

Proposed law restricts the prohibition in present law to any building owned or operated by a state college, university, technical college or institute, or an independent college or university located in this state where students are housed, attend class, gather, or meet.

Present law prohibits the delivery of alcoholic beverages beyond a certain distance in certain parishes.

Proposed law prohibits the delivery of alcoholic beverages beyond 20 miles from the place of purchase.

Present law requires a person delivering alcoholic beverages to possess a valid server permit as provided in R.S. 26:931 et seq.

Proposed law retains present law and additionally exempts any person who has obtained a permit solely for the purpose of alcoholic beverage delivery from local server permitting requirements.

Present law requires a retail dealer to determine the price at which alcoholic beverages are offered for sale or sold through a third party.

Proposed law retains present law and adds the following:

- (1) Requires a third party to list all alcoholic beverages on its platform at the price set by the retail dealer.
- (2) Exempts third parties from liability for an impermissible price increase even if the listed price is higher than the retail dealer determines for its licensed premises.
- (3) Holds a third party liable for an impermissible price increase if the price listed is different from the price set by the retail dealer.

Present law provides that any permittee who violates the provisions of present law shall be subject to revocation of the permit by the commissioner.

Proposed law provides that any permittee who violates the provisions of present law may be subject to revocation of the permit by the commissioner and adds that a violation of present law may also be punishable as provided by R.S. 26:292.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:274(A)(2) and 308(B), (C)(6), (8), and (11)(c), and (J); Adds R.S. 26:308(C)(12)(b)(i)-(iii))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Make technical changes.
2. Change the distance permitted for alcohol delivery from 30 to 20 miles.
3. Remove proposed law changes relative to the requirement that delivery orders contain food.
4. Remove proposed law changes relative to a variable delivery fee.

The House Floor Amendments to the engrossed bill:

1. Limit the prohibition of delivering alcoholic beverages on certain campuses to any building owned or operated by a state college, university, technical college or institute, or an independent college or university located in this state where students are housed, attend class, gather, or meet.