

2021 Regular Session

HOUSE BILL NO. 296

BY REPRESENTATIVE SELDERS

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

ALCOHOLIC BEVERAGE PERMT: Provides relative to Class C retail permits

1 AN ACT

2 To amend and reenact R.S. 26:71.2(A)(7) and 271.3(A)(7), relative to alcohol beverage
3 control; to provide for the definition of "Class C-Package Store"; to provide for
4 Package house-Class B permits; to provide for criteria; to provide for audits; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:71.2(A)(7) and 271.3(A)(7) are hereby amended and reenacted
8 to read as follows:

9 §71.2. Class C Permit; definitions

10 A. For purposes of this Section, "Class C-Package Store" shall be defined as
11 an establishment that meets all of the following:

12 * * *

13 ~~(7) Does not allow the consumption of any alcoholic beverage for any~~
14 ~~purpose or reason on or about the licensed establishment unless and except as~~
15 ~~otherwise provided for in this Title.~~ Operates a package store whereby the primary
16 sales of alcoholic beverages at the location are sales of factory-sealed containers for
17 off-premise consumption. However, the retailer may sell alcoholic beverages for on-
18 premise consumption not to exceed twenty percent of the business's annual revenue
19 of alcoholic beverage sales. Such sales shall be subject to audits.

20 * * *

1 §271.3. Class C Permit; definitions

2 A. For purposes of this Section, "Class C-Package Store" shall be defined as
3 an establishment that meets all of the following:

4 * * *

5 ~~(7) Does not allow the consumption of any alcoholic beverage for any~~
6 ~~purpose or reason on or about the licensed establishment unless and except as~~
7 ~~otherwise provided for in this Title.~~ Operates a package store whereby the primary
8 sales of alcoholic beverages at the location are sales of factory-sealed containers for
9 off-premises consumption. However, the retailer may sell alcoholic beverages for
10 on-premise consumption not to exceed twenty percent of the business's annual
11 revenue of alcoholic beverage sales. Such sales shall be subject to audits.

12 * * *

13 §271.4. Package house-Class B permit

14 A. Notwithstanding any provisions of law to the contrary and subject to rules
15 promulgated by the commissioner, in addition to the authority to contract with a
16 third-party delivery company or a third-party platform as provided in R.S. 26:308,
17 a permit may be issued to a grocery store enabling the delivery of alcohol as defined
18 in R.S. 26:2 and 241(1)(a) with its own employees or agents for which the retailer
19 is required to file an Internal Revenue Service Form W-2 or 1099. Notwithstanding
20 the provisions of R.S. 26:271(A)(2), the permit fee for the permit issued pursuant to
21 this Section shall be two hundred fifty dollars.

22 B. Any grocery store issued a permit pursuant to this Section may sell
23 alcoholic beverages for on-premise consumption, so long as such sales do not exceed
24 twenty percent of the business's annual revenue of alcoholic beverage sales and are
25 subject to audits.

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)]

HB 296 Reengrossed

2021 Regular Session

Selders

Abstract: Changes a requirement that a Class C-Package Store must meet to maintain a Class C permit, and authorizes a grocery store with a Package house-Class B permit to sell alcoholic beverages for on-premises consumption.

Present law provides for criteria that establishments selling beverages of high- and low-content alcohol shall meet to fulfill the requirements for a Class C permit.

Present law provides that a "Class C-Package Store" is an establishment that does not allow the consumption of any alcoholic beverage for any purpose or reason on or about the licensed establishment unless and except as otherwise provided. Proposed law repeals this requirement.

Proposed law provides that a "Class C-Package Store" is an establishment that operates a package store whereby the primary sales of alcoholic beverages at the location are sales of factory-sealed containers for off-premise consumption. Provides that the retailer may sell alcoholic beverages for on-premise consumption not to exceed 20% of the business's annual revenue of alcoholic beverage sales. Provides that such sales shall be subject to audits.

Proposed law authorizes a grocery store with a Package house-Class B permit to sell alcoholic beverages for on-premise consumption as long as such sales do not exceed 20% of the business's annual revenue of alcoholic beverage sales and are subject to audits.

(Amends R.S. 26:71.2(A)(7), 271.3(A)(7), and 271.4)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical amendments.
2. Authorize a grocery store with a Package house-Class B permit to sell alcoholic beverages for on-premise consumption.