2021 Regular Session

HOUSE BILL NO. 219

BY REPRESENTATIVE ILLG

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
17	container ready for immediate consumption.
18	* * *
19	§241. Definitions
20	The following terms have the respective meanings ascribed to them except
21	in those instances where the context indicates a different meaning:
22	* * *

ENROLLED

ACT No. 71

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

	HB NO. 219 ENROLLED
1	(27) "Ready-to-drink beverage" means an alcoholic beverage containing low
2	or high alcohol content as defined in this Section and R.S. 26:2, that is pre-packaged,
3	pre-measured, and pre-mixed to be sold in a manufacturer-sealed container ready for
4	immediate consumption.
5	* * *
6	§271.2. Class A permit; definitions
7	The commissioner shall issue the following four types of Class A retail
8	permits for beverages of low alcoholic content:
9	* * *
10	(2) Class A-Restaurant:
11	* * *
12	(b) Notwithstanding any provision of law to the contrary and subject to rules
13	promulgated by the commissioner, in addition to the authority to contract with a
14	third-party delivery company or a third-party platform as provided in R.S. 26:308,
15	a permit may be issued to a "restaurant establishment" enabling the delivery of
16	restaurant prepared food and malt beverages, ready-to-drink beverages, sparkling
17	wine, and still wine, as defined in R.S. 26:2 and R.S. 26:241 with its own employees
18	or agents for which the retailer is required to file an Internal Revenue Service Form
19	W-2 or 1099. Notwithstanding the provisions of R.S. 26:271(A)(2), the permit fee
20	for the permit issued pursuant to this Subparagraph shall be two hundred fifty
21	dollars.
22	* * *
23	§308. Alcoholic beverages delivery agreements; requirements; limitations
24	* * *
25	B. Notwithstanding any provision of law to the contrary, a retail dealer
26	possessing a valid Class A-General retail permit or Class-A Restaurant permit as
27	provided in R.S. 26:271.2, a Class "R" restaurant permit as provided in R.S. 26:272,
28	or a package house-Class B, as defined in R.S. 26:241, permit as provided in this
29	Chapter may enter into a written agreement with a third-party delivery company or
30	a third-party platform for the use of an internet or mobile application or similar

Page 2 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	technology platform to facilitate the sale of alcoholic beverages for delivery to
2	consumers for personal consumption within this state and the third-party delivery
3	company or the third-party platform may deliver alcoholic beverages to the
4	consumer.
5	C. An alcoholic beverage delivery agreement between a retail dealer and a
6	third party shall require all of the following:
7	* * *
8	(2)
9	* * *
10	(b) Only malt beverages, <u>ready-to-drink beverages</u> , sparkling wine, and still
11	wine, as defined in R.S. 26:2 and 241 are offered for delivery from the licensed
12	premises of a restaurant permit holder.
13	* * *
14	Section 2. The Louisiana State Law Institute is hereby authorized and directed to
15	arrange in alphabetical order and renumber the definitions provided in R.S. 26:2 and 241.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____