

2022 Regular Session

SENATE BILL NO. 417

BY SENATOR CATHEY

ALCOHOLIC BEVERAGES. Provides relative to the delivery of alcoholic beverages.  
(8/1/22)

1 AN ACT

2 To amend and reenact R.S. 26:83, the introductory paragraph of R.S. 26:308(C), and  
3 308(C)(12)(b) and (E) and to enact R.S. 26:308(C)(13) and (14) and (D)(6) and (7),  
4 relative to alcoholic beverages; to provide for interposed persons; to provide for  
5 alcoholic beverage delivery agreements, requirements, and limitations; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:83, the introductory paragraph of R.S. 26:803(C), and  
9 308(C)(12)(b) and (E) are hereby amended and reenacted and R.S. 26:308(C)(13) and (14)  
10 and (D)(6) and (7) are hereby enacted to read as follows:

11 §83. Interposed persons

12 No permit shall be issued to any person who is an interposed person for the  
13 owner or proprietor of a business **or any permittee licensed pursuant to this Title.**

14 The commissioner may require a full disclosure, in writing and under oath, of the  
15 details of the operation of any person it suspects of being interposed for another,  
16 **including full disclosure of all contractual agreements entered into between a**  
17 **retailer and a third-party delivery company or third-party platform licensed**

1 pursuant to this Title. The commissioner may summarily rule before the  
 2 commissioner for examination, any person suspected of being an interposed person.  
 3 A person who is subsidized, financed, or employed by a liquor manufacturer to  
 4 operate a business without disclosing the ownership of the liquor manufacturer shall  
 5 be considered an interposed person for the liquor manufacturer under this Chapter.

6 \* \* \*

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

8 \* \* \*

9 C. ~~An~~ A sample contract of the alcoholic beverage delivery agreement  
 10 between a retail dealer and a third party shall be filed with the commissioner prior  
 11 to execution. Any updates or amendments to the sample contract shall also be  
 12 submitted to the commissioner. The sample contract shall require all of the  
 13 following:

14 \* \* \*

15 (12) The retail dealer shall manage and control the sale of alcoholic  
 16 beverages including but not limited to all of the following:

17 \* \* \*

18 (b) Determining the price at which alcoholic beverages are offered for sale  
 19 or sold through a third party's internet or mobile application platform or similar  
 20 technology, which shall be the same price as the alcoholic beverages are offered  
 21 for sale at the retailer's licensed premises.

22 \* \* \*

23 (13) The amount of any fee paid by the retailer to the third party for its  
 24 services authorized by Subsection E of this Section. However, the fee shall not  
 25 be based on the percentage of the total receipts for those deliveries made by the  
 26 third party from the retailer's licensed premises.

27 (14) Any delivery fee charged by a third party pursuant to Subsection  
 28 E of this Section shall be displayed prominently on the third party's internet or  
 29 mobile application platform or similar technology and shall be itemized

1 **separately on the purchase receipt.**

2 D. A retail dealer shall enter into an alcoholic beverage delivery agreement  
3 with a third-party delivery company or a third-party platform only when the third-  
4 party meets all of the following requirements:

5 \* \* \*

6 **(6) The third-party delivery company or third-party platform shall not,**  
7 **through a contract with the retailer or otherwise, directly or indirectly share in**  
8 **the revenue from the sale of alcoholic beverages.**

9 **(7) The third-party delivery company or third-party platform provides**  
10 **a copy of all contracts with a retailer to the commissioner within ten days of**  
11 **execution of the contract.**

12 E. A retail dealer may pay a third-party delivery company or a third-party  
13 platform a fee for its services and a third party may charge a reasonable delivery fee  
14 for orders delivered by the third-party delivery company or the third-party platform.  
15 A third-party delivery company properly licensed pursuant to this Section or its  
16 authorized agent may act as an agent of a retail dealer in the collection of payments  
17 from the sale of alcoholic beverages, but the full amount of each order must be  
18 handled in a manner that gives the retail dealer control over the ultimate receipt of  
19 the payment from the consumer. A third-party delivery company or a third-party  
20 platform properly licensed pursuant to this Section or its authorized agent may also  
21 act as an agent of a retail dealer for the purposes of processing, assembling,  
22 packaging, and fulfilling alcoholic beverage orders for delivery from the retailer's  
23 licensed premises. No additional permit shall be required of a retail dealer who has  
24 contracted with a third-party delivery company properly licensed pursuant to this  
25 Section for the purpose of processing, assembling, packaging, and fulfilling alcoholic  
26 beverage orders for delivery from the retailer's licensed premises. **However, a**  
27 **third-party delivery company or a third-party platform acting as an agent of a**  
28 **retailer shall not violate the provisions of R.S. 26:83.**

29 \* \* \*



- (1) Prohibits the third-party delivery company or third-party platform, through a contract with the retailer or otherwise, directly or indirectly from sharing in the revenue from the sale of alcoholic beverages.
- (2) Requires the third-party delivery company or third-party platform to provide a copy of all contracts with a retailer to the ATC commissioner within 10 days of execution of the contract.

Effective August 1, 2022.

(Amends R.S. 26:83, 308(C)(intro para), and 308(C)(12)(b) and (E); adds R.S. 26:308 (C)(13) and (14) and (D)(6) and (7))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Adds provisions required to be included in the alcoholic beverage delivery agreement.
3. Requires that a sample contract of the alcoholic beverage delivery agreement between a retail dealer and a third party be filed with the ATC commissioner and requires certain provisions be in the sample contract.