

GREEN SHEET REDIGEST

HB 829

2022 Regular Session

Stefanski

ALCOHOLIC BEVERAGES: Provides relative to alcoholic beverage delivery.

DIGEST

Present law (R.S. 26:274) 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 local permits of any third party which has been issued a state delivery service permit and from requiring an additional local permit for delivery of any licensed retail dealer that has been issued a state delivery permit.

Present law (R.S. 26:308) 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 written agreements for the sale of alcoholic beverages for curbside pickup for holders of Class B permits.

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 for all parishes.

Present law requires a person delivering alcoholic beverages to possess a valid server permit.

Present law (R.S. 26:931) provides that a server permit is a permit issued to a server or security personnel upon completion of all required server or security personnel training courses and all required refresher courses as provided by present law.

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 (R.S. 26:308) 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 without sending written or electronic notification of the price change.

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.

Present law (R.S. 26:292) provides for fines in lieu of revocation or suspension of the permit.

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

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

Summary of Amendments Adopted by House

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

1. Remove the requirement that agreements between third party delivery companies and retail dealers be written.

Summary of Amendments Adopted by Senate

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

1. Clarifies that agreements between the retailer and the third-party delivery company for the sale of alcoholic beverages for curbside pickup be in writing.
2. Authorizes notification to the third party via electronic means of lower prices at the store by the retailer for purposes of liability for impermissible markup.