

RÉSUMÉ DIGEST

ACT 115 (SB 178)

2020 Regular Session

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Prior law added additional ATC-issued permits for the delivery of low alcohol content beverages by restaurants, grocery stores, holders of a package house-Class B permit, and third parties, and sets the amount of the fees for such permits.

New law removes the limitation on delivery of only low alcohol content beverages for package house-Class B permit.

New law provides that only malt beverages, sparkling wine, and still wine may be delivered from the licensed premises of a restaurant permit holder.

Prior law defined a "third party delivery company" as a third party delivery service that is licensed to do business in the state of La., permitted with ATC, and uses their own W-2 employees for delivery.

New law retains prior law but also provides that a third party delivery company may also utilize the service of agents that receive an IRS Form 1099 as proof of compensation for their services. Persons that receive an IRS Form 1099 are considered independent contractors and not employees.

New law defines a "third party platform" as a third party service that is licensed to do business in the state that performs work with its own employees or agents for which the platform is required to file an IRS Form W-2 or 1099.

Prior law prohibited alcoholic beverages from being delivered more than 10 miles from the place of purchase.

New law expands the delivery area from 10 miles to 25 miles from the place of purchase in a parish having a population of less than 100,000 according to the latest federal decennial census.

New law provides that a third party delivery company, third party platform, or its authorized agent may also act as an agent of a retail dealer for the purposes of processing, assembling, packaging, and fulfilling alcoholic beverage orders for delivery from the retailer's licensed premises with no additional permit required of a retail dealer who has contracted with a third party delivery company or third party platform for the purpose of processing, assembling, packaging, and fulfilling alcoholic beverage orders for delivery from the retailer's licensed premises.

Effective upon signature of the governor (June 9, 2020).

(Amends R.S. 26:271.2(2)(b), 271.4, and 308(A), (B), (C)(1), (2), (8) and (11)(b), (D), (E), and (F)(1); adds R.S. 26:241(26))