

2022 Regular Session

HOUSE BILL NO. 829

BY REPRESENTATIVE STEFANSKI

ALCOHOLIC BEVERAGES: Provides relative to alcoholic beverage delivery

1 AN ACT

2 To amend and reenact R.S. 26:274(A)(2) and 308(B), (C)(8), (11)(c), and (J) and to enact  
3 R.S. 26:308(C)(12)(b)(i) and (ii), relative to the delivery of alcoholic beverages; to  
4 provide relative to third party delivery companies and platforms; to provide for  
5 requirements for alcoholic beverage delivery agreements; to provide for penalties;  
6 to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:274(A)(2) and 308(B), (C)(8), (11)(c), and (J) are hereby  
9 amended and reenacted and R.S. 26:308(C)(12)(b)(i) and (ii) are hereby enacted to read as  
10 follows:

11 §274. Local permits

12 A.

13 \* \* \*

14 (2) Parishes and municipalities ~~may issue and require local permits similar~~  
15 ~~to those issued by the commissioner for the delivery of alcoholic beverages by~~  
16 ~~grocery stores, restaurants, and third parties~~ shall not require a local permit for any  
17 third-party delivery company which has been issued a state delivery service permit  
18 in accordance with the provisions of this Chapter. Parishes and municipalities shall  
19 not require an additional local permit for the delivery of alcoholic beverages by any

1 licensed retail dealer that has been issued a state delivery service permit in  
2 accordance with the provisions of this Chapter.

3 \* \* \*

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

5 \* \* \*

6 B.(1) Notwithstanding any provision of law to the contrary, a retail dealer  
7 possessing a valid Class A-General retail permit as provided in R.S. 26:271.2, a  
8 Class "R" restaurant permit as provided in R.S. 26:272, or a package house-Class B,  
9 as defined in R.S. 26:241, permit as provided in this Chapter may enter into a written  
10 agreement with a third-party delivery company or a third-party platform for the use  
11 of an internet or mobile application or similar technology platform to facilitate the  
12 sale of alcoholic beverages for delivery to consumers for personal consumption  
13 within this state and the third-party delivery company or the third-party platform  
14 may deliver alcoholic beverages to the consumer.

15 (2) Notwithstanding any provision of law to the contrary, a retail dealer  
16 possessing a package house-Class B, as defined in R.S. 26:241, permit as provided  
17 in this Chapter may enter into an agreement with a third-party delivery company or  
18 a third-party platform for the use of an internet or mobile application or similar  
19 technology platform to facilitate the sale of alcoholic beverages for curbside pickup  
20 by consumers within this state for personal consumption.

21 C. An alcoholic beverage delivery agreement between a retail dealer and a  
22 third party shall require all of the following:

23 \* \* \*

24 ~~(8)(a) For any parish having a population of less than one hundred thousand~~  
25 ~~according to the latest federal decennial census, no alcoholic beverages shall be~~  
26 ~~delivered more than twenty-five miles from the place of purchase.~~

27 ~~(b) For any parish having a population of greater than one hundred thousand~~  
28 ~~according to the latest federal decennial census, no alcoholic beverages shall be~~

1 ~~delivered more than ten miles from the place of purchase.~~ No alcoholic beverages  
2 shall be delivered more than twenty miles from the place of purchase.

3 \* \* \*

4 (11) Alcoholic beverages are delivered only by a person that meets all of the  
5 following requirements:

6 \* \* \*

7 (c) The person possesses a valid server permit as provided in R.S. 26:931 et  
8 seq. Any person who has obtained a server permit solely for the purpose of  
9 delivering alcoholic beverages in accordance with this Section shall be exempt from  
10 local server permitting requirements.

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

13 \* \* \*

14 (b) Determining the price at which alcoholic beverages are offered for sale  
15 or sold through a third party's internet or mobile application platform or similar  
16 technology.

17 (i) A third party shall list all alcoholic beverages on its platform at the price  
18 provided by the retail dealer.

19 (ii) A third party that lists alcoholic beverages on its platform at the price  
20 provided by the retail dealer shall not be liable for an impermissible markup if the  
21 retail dealer offers the same product in its store at a lower price without notifying the  
22 third party in writing of the price change.

23 \* \* \*

24 J. Any ~~permittee~~ permittee who violates the provisions of this Section ~~shall~~  
25 may be subject to revocation of their the permit by the commissioner and be subject  
26 to penalties as provided by R.S. 26:292.

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**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)]

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HB 829 Engrossed

2022 Regular Session

Stefanski

**Abstract:** Provides relative to the regulation of alcoholic beverage delivery.

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 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 as provided in R.S. 26:931 et seq.

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 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.