

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 the introductory paragraph of R.S. 26:308(C) and 308(C)(12)(b) and
3 to enact R.S. 26:308(C)(13) and (14), relative to alcoholic beverages; to provide for
4 alcoholic beverage delivery agreements, requirements, and limitations; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The introductory paragraph of R.S. 26:308(C) and 308(C)(12)(b) are
8 hereby amended and reenacted and R.S. 26:308(C)(13) and (14) are hereby enacted to read
9 as follows:

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

11 * * *

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

17 * * *

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

3 * * *

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

8 * * *

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

13 **(14) Any delivery fee charged by a third party pursuant to Subsection**
14 **E of this Section shall be displayed prominently on the third party's internet or**
15 **mobile application platform or similar technology and shall be itemized**
16 **separately on the purchase receipt.**

17 * * *

The original instrument was prepared by Alan Miller. The following digest,
which does not constitute a part of the legislative instrument, was prepared
by Jacob Wilson.

DIGEST

SB 417 Reengrossed 2022 Regular Session Cathey

Present law provides for certain requirements that a third-party delivery company or third-party platform meet prior to entering into an alcoholic beverage delivery agreement with a retailer.

Present law requires that an alcoholic beverage delivery agreement (agreement) between a retail dealer and a third party contain certain provisions.

Proposed law requires a sample contract of the agreement be filed with the commissioner prior to execution and requires any updates or amendments to the sample contract be submitted to the commissioner.

Present law requires the agreement to contain certain provisions.

Proposed law provides the sample contract contain certain provisions and adds the following provisions be included in the sample contract:

- (1) The price at which alcoholic beverages are sold on the third party's internet or mobile application or similar technology be the same price as the alcoholic beverages offered for sale at the retailer's premises.
- (2) The amount of any fee paid by the retailer to the third party for its services authorized by present law.
- (3) Any delivery fee charged by a third party pursuant to present law be displayed prominently on the third party's internet or mobile application platform or similar technology and be itemized separately on the purchase receipt.

Effective August 1, 2022.

(Amends R.S. 26:308(C)(intro para) and 308(C)(12)(b); adds R.S. 26:308 (C)(13) and (14))

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.

Senate Floor Amendments to engrossed bill

1. Removes provisions related to interposed persons and requirement to disclose details of the operation of any person the commissioner suspects to be interposed for another.
2. Removes requirement that any retail dealer agreement with a third-party delivery company or platform includes a provision prohibiting revenue-sharing.
3. Removes requirement that a third-party delivery company or platform provides a copy of all retailer contracts to the commissioner within ten days of execution.