# 2022 Regular Session

#### HOUSE BILL NO. 829

#### BY REPRESENTATIVE STEFANSKI

1	AN ACT
2	To amend and reenact R.S. 26:274(A)(2) and (E) and 308(B), (C)(8) and (12)(b), and (J),
3	relative to the delivery of alcoholic beverages; to provide relative to third party
4	delivery companies and platforms; to provide for requirements for alcoholic
5	beverage delivery agreements; to provide for penalties; to provide for an effective
6	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 (E) and 308(B), (C)(8) and (12)(b), and (J) are
9	hereby amended and reenacted to read as follows:
10	§274. Local permits
11	Α.
12	* * *
13	(2) Parishes and municipalities may issue and require local permits similar
14	to those issued by the commissioner for the delivery of alcoholic beverages by
15	grocery stores, restaurants, and third parties shall not require a local permit for any
16	third-party delivery company which has been issued a state delivery service permit
17	in accordance with the provisions of this Chapter. Parishes and municipalities shall
18	not require an additional local permit for the delivery of alcoholic beverages by any
19	licensed retail dealer that has been issued a state delivery service permit in
20	accordance with the provisions of this Chapter.
21	* * *

## Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

### **ENROLLED**

1	E.(1) Those jurisdictions requiring a person to obtain a license in order to sell
2	or handle beverage alcohol shall not require such person to obtain a new permit due
3	to his change of employment until the original permit has expired. This provision
4	shall not apply to those persons employed as bartenders.
5	(2) Any person who has obtained a server permit in accordance with the
6	provisions of R.S. 26:931 et seq. solely for the purpose of delivering alcoholic
7	beverages pursuant to R.S. 26:308 shall be exempt from the requirement to obtain
8	a local permit required by a jurisdiction to sell or handle alcoholic beverages. This
9	exemption, however, applies only to the handling of alcoholic beverages by the
10	person while engaged in conduct in the course and scope of his employment, whether
11	as a W-2 or 1099 employee, for delivery for the third-party. The person shall be
12	required to obtain any permit required by any jurisdiction for the selling or handling
13	of alcoholic beverages for any employment duties outside of that required by the
14	person's employment with a third-party delivery company.
15	* * *
16	§308. Alcoholic beverages delivery agreements; requirements; limitations
17	* * *
18	B.(1) Notwithstanding any provision of law to the contrary, a retail dealer
19	possessing a valid Class A-General retail permit as provided in R.S. 26:271.2, a
20	Class "R" restaurant permit as provided in R.S. 26:272, or a package house-Class B,
21	as defined in R.S. 26:241, permit as provided in this Chapter may enter into a written
22	agreement with a third-party delivery company or a third-party platform for the use
23	of an internet or mobile application or similar technology platform to facilitate the
24	sale of alcoholic beverages for delivery to consumers for personal consumption
25	within this state and the third-party delivery company or the third-party platform
26	may deliver alcoholic beverages to the consumer.
27	(2) Notwithstanding any provision of law to the contrary, a retail dealer
28	possessing a valid Class A-General retail permit as provided in R.S. 26:271.2, a
29	Class "R" restaurant permit as provided in R.S. 26:272, or a package house-Class B,
30	as defined in R.S. 26:241, permit as provided in this Chapter may enter into a written

# Page 2 of 4

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### **ENROLLED**

1	agreement with a third-party delivery company or a third-party platform for the use
2	of an internet or mobile application or similar technology platform to facilitate the
3	sale of alcoholic beverages for curbside pickup by consumers within this state for
4	personal consumption. Any alcoholic beverage sold and delivered pursuant to the
5	provisions of this Paragraph shall be limited to alcoholic beverages in a manufacturer
6	sealed container.
7	C. An alcoholic beverage delivery agreement between a retail dealer and a
8	third party shall require all of the following:
9	* * *
10	(8)(a) For any parish having a population of less than one hundred thousand
11	according to the latest federal decennial census, no alcoholic beverages shall be
12	delivered more than twenty-five miles from the place of purchase.
13	(b) For any parish having a population of greater than one hundred thousand
14	according to the latest federal decennial census, no alcoholic beverages shall be
15	delivered more than ten miles from the place of purchase. No alcoholic beverages
16	shall be delivered more than twenty miles from the place of purchase.
17	* * *
18	(12) The retail dealer shall manage and control the sale of alcoholic
19	beverages including but not limited to all of the following:
20	* * *
21	(b) Determining the price at which alcoholic beverages are offered for sale
22	or sold through a third party's internet or mobile application platform or similar
23	technology. The retail dealer shall notify the third party in writing or through
24	electronic means prior to any change in the sale price by the retail dealer of any
25	alcoholic beverage offered for sale by the retail dealer at its licensed premises that
26	is also offered for sale through the third party pursuant to the alcohol beverage
27	delivery agreement between the parties.
28	* * *

# Page 3 of 4

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- 1J. Any permitee permittee who violates the provisions of this Section shall2may be subject to revocation of their the permit by the commissioner and be subject
- 3 to penalties as provided by R.S. 26:292.

#### SPEAKER OF THE HOUSE OF REPRESENTATIVES

### PRESIDENT OF THE SENATE

### GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_