

---

## 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)]

---

HB 349 Reengrossed

2019 Regular Session

Carmody

**Abstract:** Provides for the delivery of low alcohol content beverages by certain retail dealers or a third party that meets certain requirements, and provides for the regulation and requirements in this regard.

Present law authorizes parishes and municipalities to issue and require local permits similar to those issued by the commissioner.

Proposed law retains present law and expands local permit authority to include an alcohol delivery permit.

Proposed law adds 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.

Proposed law sets fee amounts for 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.

Proposed law provides the following restrictions on alcohol deliveries:

- (1) Only alcohol purchased from a Louisiana wholesale dealer can be offered for delivery.
- (2) Only alcoholic beverages of low alcoholic content, beer, sparkling wine, and still wine can be offered for delivery.
- (3) Alcohol deliveries are only offered during the hours and days the retailer is authorized to sell or serve alcoholic beverages.
- (4) All alcohol deliveries must contain a food order as well.
- (5) Deliveries can only be taken to areas where the sale of alcoholic beverages is permitted.

Proposed law requires that deliveries are conducted by a person that meets the following requirements:

- (1) A person who is 18 years of age or older.

- (2) A person who possesses a valid server permit.
- (3) A person who is an employee for which the third party is required to file certain IRS forms.

Proposed law requires that a delivery agent must refuse delivery and return the beverages to the place of purchase if:

- (1) The recipient does not have a valid form of identification.
- (2) The recipient is intoxicated.
- (3) The recipient refuses to sign for the receipt of the delivery.
- (4) There is reason to doubt the authenticity of the form of identification.

Proposed law further provides that a delivery agent who fails to comply with these provisions of proposed law shall be held vicariously liable for damages incurred as a result of the failure to comply.

Proposed law requires that the retail dealer, grocery store, or restaurant keep records of all deliveries of alcoholic beverages for three years.

Proposed law shall not be applied to the provisions of present law regarding the transportation or delivery of sparkling wine or still wine through wholesalers.

Proposed law requires third-party delivery services to maintain general liability insurance with a liquor liability endorsement in the amount of no less than one million dollars per occurrence.

(Amends R.S. 26:271.2(2) and 274(A); Adds R.S. 26:271.2(1)(j), 271.4, and 307)

#### Summary of Amendments Adopted by House

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

1. Reduce the fees of the proposed law permits for alcohol delivery issued by ATC.
2. Provide that proposed law does not apply to the transportation or delivery of sparkling wine and still wine through wholesalers.
3. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add holders of package house-Class B permits to the parties permitted to deliver alcoholic beverages.
3. Require third-party delivery services to maintain general liability insurance with a liquor liability endorsement.
4. Delete the requirement that interviews of persons that will deliver alcoholic beverages be conducted in person.
5. Remove the requirement that the age verification device be capable of storing the gender of the recipient of the alcohol delivery.