

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 349

2019 Regular Session

Carmody

ALCOHOLIC BEVERAGES: Provides relative to the delivery of alcoholic beverages

Synopsis of Senate Amendments

1. Expands the definition of "liquor retail distribution center" to include any liquor retailer who has continuously maintained a distribution center or centers for distribution to its wholly owned retail permittees on or prior to Jan. 1, 1961, in this state. Provides that this definition shall be effective until July 1, 2021.
2. Provides that for purposes of proposed law only, a third party delivery company is a third party delivery service licensed to do business in this state, permitted by ATC, and uses their own W-2 employees for delivery.
3. Allows the commissioner of ATC to revoke any permit for permittees that violate the provisions of proposed law.
4. Adds that proposed law is effective upon signature of the governor.

Digest of Bill as Finally Passed by Senate

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 defines a third party delivery company, only for purposes of proposed law, 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.

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.

Proposed law allows the commissioner to revoke any permit for permittees that violates the provisions of proposed law.

Present law defines "liquor retail distribution center".

Proposed law expands present law definition of a liquor retail distribution center to include any liquor retailer who has continuously maintained a distribution center or centers for distribution to its wholly owned retail permittees on or prior to Jan. 1, 1961, in this state. Further provides that this expanded definition shall be effective until July 1, 2021.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:2(9), 271.2(2), and 274(A); Adds R.S. 26:271.2(1)(j), 271.4, and 309)