

## RÉSUMÉ DIGEST

ACT 436 (HB 508)

2019 Regular Session

Leopold

New law permits delivery of high and low alcoholic beverages by a liquor retailer with a Class B permit, or a permit that allows the retailer to sell alcoholic beverages for off-premise consumption, either on the licensed premises itself or at a residential or commercial address designated by the consumer, provided that:

- (1) All payments initiated by a consumer that is transacting the purchase with the liquor retailer are processed at the premises of the retailer.
- (2) The retailer, or an employee of the retailer, assemble, package, and fulfill each order at the permitted premises where the order was processed using inventory located at that premises that was purchased from a permitted wholesale dealer.
- (3) Deliveries to consumers are made only by the retailer or an employee of such retailer and only to consumers at a residential or commercial address in this state.
- (4) The alcoholic beverages delivered are for personal consumption, not intended for resale, and are in a container sealed by the manufacturer of the alcoholic beverage.
- (5) Delivery of alcoholic beverages are permitted only in those areas where the retail sale of alcoholic beverages is permitted. New law further provides that delivery shall be prohibited in any area where it is prohibited by the local governing authority, and the delivery radius of a retailer shall not extend past the boundaries of the parish where the retailer's permitted establishment is located.
- (6) Alcoholic beverages are not delivered to an address on a campus of any state college, university, or technical college or institute or an independent college or university or any elementary or secondary school located in this state.
- (7) Delivery is permitted only during the hours that the authorized retailer's permitted establishment is open to the public.
- (8) At the time of delivery, the retailer, or an employee of the retailer, verifies the age of the recipient of the alcoholic beverage or beverages and that the recipient is not visibly intoxicated.
- (9) The retail dealer keeps a record of all deliveries of alcoholic beverages and retains such records for two years from the date of the delivery. New law further requires the retailer to make such records available to the commissioner of the office of alcohol and tobacco control upon request.

New law authorizes the liquor retailer or a retailer permitted to sell alcoholic beverages for off-premise consumption, to use electronic means to market the alcohol products it is licensed to sell, and to receive and process purchase orders placed by a consumer of legal drinking age, which orders may then be delivered to such consumer on the licensed premises itself or at a residential or commercial address in this state in accordance with provisions of new law. New law further authorizes the retailer to use electronic means owned, operated, and maintained by a third party provided that certain conditions set forth in new law are met.

New law authorizes the commissioner of the office of alcohol and tobacco control to promulgate rules in accordance with the Administrative Procedure Act related to the requirements and qualifications for delivery.

New law provides that if any provision of new law, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the legislature to further limit rather than expand commerce in alcoholic beverages and to enhance strict regulatory control over taxation, distribution, and sale of alcoholic beverages through the three-tier regulatory system imposed by the Alcoholic Beverage Control Law upon all alcoholic beverages.

New law defines "delivery", "electronic means", "employee", and "third party" for purposes of new law, and further provides that the new law definitions of "delivery" and "employee" are solely for purposes of new law.

Effective upon signature of governor (June 24, 2019).

(Amends R.S. 26:2(7)-(26) and 241(5)-(19); Adds R.S. 26:2(27)-(30), 153, 241(20)-(24), and 307)