

RÉSUMÉ DIGEST

ACT 433 (HB 349)

2019 Regular Session

Carmody

Existing law authorizes parishes and municipalities to issue and require local permits similar to those issued by the commissioner of alcohol and tobacco control (ATC) for the sale of alcoholic beverages.

New law retains existing law and expands local permit authority to include an alcohol delivery permit.

New 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, and sets the amount of the fees for such permits.

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

New 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.

New law requires deliveries to be conducted by a person who 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 an IRS Form W-2.

New law requires a delivery agent to 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.

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

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

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

New 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.

New law allows the commissioner to revoke any permit for permittees that violate the provisions of new law.

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

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