

2019 Regular Session

HOUSE BILL NO. 520

BY REPRESENTATIVE STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Provides relative to the delivery of alcoholic beverages

1 AN ACT

2 To amend and reenact R.S. 26:271(A)(5) and (6) and to enact R.S. 26:71(A)(3)(f), 153, 154,
3 271(A)(7), 307, and 308, relative to the delivery of alcoholic beverages of high and
4 low alcoholic content; to authorize the delivery of alcoholic beverages under certain
5 conditions by certain retail dealers and third parties; to create a Class D Transporter
6 permit and to provide for fees; to provide an additional fee applicable to existing
7 retail dealers; to provide for contractual agreements between a retail dealer and a
8 third party; to provide for delivery requirements and restrictions; to provide for
9 recordkeeping; to provide for liability insurance requirements; and to provide for
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 26:271(A)(5) and (6) are hereby amended and reenacted and R.S.
13 26:71(A)(3)(f), 153, 154, 271(A)(7), 307, and 308 are hereby enacted to read as follows:

14 §71. Permits required; fees; exception

15 A. Except as provided in Subsections B and C of this Section, before
16 engaging in the business of manufacturing, supplying, or dealing in alcoholic
17 beverages, all persons shall obtain from the commissioner, according to established
18 rules and regulations, a permit to conduct each separate business and shall pay the
19 commissioner a fee not to exceed the amounts provided for in the following schedule

1 and in accordance with regulations promulgated pursuant to the provisions of the
2 Administrative Procedure Act for each year the permit is valid:

3 * * *

4 (3) Retailers -

5 * * *

6 (f) Class D - Transporter - not to exceed one thousand five hundred dollars
7 for the transporter to operate within the entire state, subject to law.

8 * * *

9 §153. Delivery services of certain retail dealers; requirements; limitations

10 A.(1) Notwithstanding any provision of law to the contrary, a retail dealer
11 possessing a valid retail permit issued pursuant to R.S. 26:73 or a retail dealer
12 possessing a valid permit who is authorized to sell alcoholic beverages in factory
13 sealed containers for transportation and consumption off the licensed premises may
14 deliver alcoholic beverages to customers within this state pursuant to the provisions
15 of this Section and any applicable regulations promulgated, in accordance with the
16 Administrative Procedure Act, by the commissioner of the office of alcohol and
17 tobacco control, the secretary of the Department of Revenue, or the secretary of the
18 Louisiana Department of Health.

19 (2) In addition to the permit fee required by R.S. 26:71, a retail dealer
20 possessing a valid retail permit issued pursuant to R.S. 26:73 shall pay an additional
21 fee of one hundred dollars to deliver alcoholic beverages to consumers in accordance
22 with the provisions of this Section.

23 B. A retail dealer providing alcoholic beverage delivery services pursuant
24 to this Section shall comply with all of the following:

25 (1) Deliver only alcoholic beverages purchased from a wholesale dealer
26 licensed pursuant to this Chapter.

27 (2) Deliver alcoholic beverages intended for personal consumption only and
28 delivered in a manufacturer sealed container or other sealed container that has been
29 approved by the commissioner of the office of alcohol and tobacco control. The

1 delivery of an "open alcoholic beverage container" as defined in R.S. 32:300 is
2 prohibited.

3 (3) Deliver only on the days and during the hours a retail dealer is legally
4 authorized to sell alcoholic beverages.

5 (4) Deliver only in those areas where the sale or delivery of alcoholic
6 beverages is permitted.

7 (5) A retail dealer providing alcoholic beverage delivery services shall not
8 deliver any alcoholic beverages to any location on a campus of any primary or
9 secondary educational institution located within this state.

10 (6) Deliveries shall only be made to a location that is within the city, town,
11 village, or unincorporated area, or within twenty miles of the corporate limits of the
12 city, town, village, or unincorporated area where the retail dealer's licensed premises
13 from which the alcoholic beverages were purchased is located.

14 (7) Deliveries shall only be made by a person who is legally classified as a
15 W-2 employee or as a 1099 independent contractor of the retail dealer, and who is
16 at least eighteen years of age, and who possesses a valid Louisiana Responsible
17 Vendor Server's permit.

18 (8) The retail dealer shall be able to monitor the routes of its delivery agents
19 during alcoholic beverage deliveries.

20 (9) At the time of delivery of any alcoholic beverage, a retail dealer's
21 delivery agent shall verify, through the use of any method approved by the
22 commissioner of the office of alcohol and tobacco control, that the recipient
23 possesses a valid form of identification and is twenty-one years of age or older, and
24 shall obtain the recipient's signature.

25 (10) A retail dealer's delivery agent shall refuse delivery and return the
26 alcoholic beverages to the licensed premises if any of the following conditions exist:

27 (a) The recipient does not produce a valid and current form of identification
28 as provided in R.S. 26:90(A)(1).

29 (b) The recipient is visibly intoxicated.

1 (c) There is reason to doubt the authenticity or correctness of the recipient's
2 identification.

3 (d) The recipient refuses to sign for the receipt of the delivery.

4 C. A retail dealer may charge a reasonable delivery fee and may receive
5 orders and accept payment in person at the licensed premises, through the use of a
6 telephone, the internet, or a mobile application or similar technology.

7 D. A retail dealer shall keep a record of all deliveries of alcoholic beverages
8 and retain such records for two years from the date of delivery. The retail dealer
9 shall make such records available to the commissioner of the office of alcohol and
10 tobacco control upon request for the purpose of investigating and enforcing the
11 provisions of this Title. The record of each delivery shall include all of the
12 following:

13 (1) The retail dealer's name, address, and permit number.

14 (2) The name or unique identification number of the person who placed the
15 order and the date, time, and method of the order.

16 (3) The name of the delivery agent and the date, time, and address of the
17 delivery.

18 (4) The type, brand, and quantity of each alcoholic beverage delivered.

19 (5) The name, date of birth, and signature of the person who received the
20 delivery.

21 §154. Third-party retail alcoholic beverage delivery; requirements; limitations

22 A. Notwithstanding any provision of law to the contrary, a retail dealer
23 possessing a retail permit issued pursuant to R.S. 26:73 or a retail dealer possessing
24 a valid permit who is authorized to sell alcoholic beverages in factory sealed
25 containers for transportation and consumption off the licensed premises may enter
26 into a written agreement with a third party for the use of an internet or mobile
27 application or similar technology platform to facilitate the sale of alcoholic
28 beverages for delivery to consumers for personal consumption within this state and
29 the third party may deliver alcoholic beverages to the consumer on behalf of the

1 retail dealer pursuant to the provisions of this Section and any applicable regulations
2 promulgated, in accordance with the Administrative Procedure Act, by the
3 commissioner of the office of alcohol and tobacco control, the secretary of the
4 Department of Revenue, or the secretary of the Louisiana Department of Health.

5 B. A third party providing alcoholic beverage delivery services pursuant to
6 this Section shall:

7 (1) Possess a valid Class D- Transporter permit issued by the office of
8 alcohol and tobacco control.

9 (2) Be properly registered with the Louisiana Secretary of State and
10 authorized to conduct business in the state.

11 (3) Not be the holder of an alcoholic beverage wholesaler or manufacturer
12 permit.

13 (4) Deliver only alcoholic beverages held in stock at the retail dealer's
14 licensed premises.

15 (5) Deliver alcoholic beverages in a manufacturer sealed container or other
16 sealed container that has been approved by the commissioner of the office of alcohol
17 and tobacco control. The delivery of an "open alcoholic beverage container" as
18 defined in R.S. 32:300 is prohibited.

19 (6) Deliver only on the days and during the hours a retail dealer is legally
20 authorized to sell alcoholic beverages.

21 (7) Deliver only in those areas where the sale or delivery of alcoholic
22 beverages is permitted.

23 (8) A third party providing alcoholic beverage delivery services shall not
24 deliver any alcoholic beverages to any location on a campus of any primary or
25 secondary educational institution located within this state.

26 (9) Deliveries shall only be made to a location that is within the city, town,
27 village, or unincorporated area, or within twenty miles of the corporate limits of the
28 city, town, village, or unincorporated area where the retail dealer's licensed premises
29 from which the alcoholic beverages were purchased is located.

1 (10) Deliveries shall only be made by a person who is legally classified as
2 a W-2 employee or as a 1099 independent contractor of the third party, and who is
3 at least eighteen years of age, and who possesses a valid Louisiana Responsible
4 Vendor Server's permit.

5 (11) The third party shall be able to monitor the routes of its delivery agents
6 during alcoholic beverage deliveries.

7 (12) The retail dealer's registered trade name shall be displayed on all
8 websites, mobile applications, or similar technology, receipts, and advertisements
9 associated with the sale and delivery of a retail dealer's alcoholic beverage inventory.

10 (13) At the time of delivery of any alcoholic beverage, a third party's
11 delivery agent shall verify, through any method approved by the commissioner of the
12 office of alcohol and tobacco control, that the recipient possesses a valid form of
13 identification and is twenty-one years of age or older, and shall obtain the recipient's
14 signature.

15 (14) A third party's delivery agent shall refuse delivery and return the
16 alcoholic beverages to the retail dealer's licensed premises if any of the following
17 conditions exist:

18 (a) The recipient does not produce a valid and current form of identification
19 as provided in R.S. 26:90(A)(1).

20 (b) The recipient is visibly intoxicated.

21 (c) There is reason to doubt the authenticity or correctness of the recipient's
22 identification.

23 (d) The recipient refuses to sign for the receipt of the delivery.

24 C. The retail dealer shall manage and control the sale of alcoholic beverages
25 facilitated by the third party. Such responsibilities shall include but not be limited
26 to all of the following:

27 (1) Determine the alcoholic beverages to be offered for sale through a third
28 party's internet or mobile application platform or similar technology.

1 (2) Determine the price at which alcoholic beverages are offered for sale
2 through a third party's internet or mobile application platform or similar technology.

3 (3) Accept or reject all orders placed for alcoholic beverages through a third
4 party's internet or mobile application platform or similar technology.

5 (4) Collect and remit all applicable state and local sales taxes.

6 D. A retail dealer may pay a third party a fee for its services and a third party
7 may charge a reasonable delivery fee to the consumer for orders delivered by the
8 third party's agent. A third party may act as an agent of a retail dealer in the
9 collection of payment from the sale of alcoholic beverages, but the full amount of
10 each alcoholic beverage order must be handled in a manner that gives the retail
11 dealer control over the ultimate receipt of the payment from the consumer.

12 E. A third party shall keep a record of all deliveries of alcoholic beverages
13 and retain such records for two years from the date of delivery. The third party shall
14 make such records available to the commissioner of the office of alcohol and tobacco
15 control upon request for the purpose of investigating and enforcing the provisions of
16 this Title. The record of each delivery shall include all of the following:

17 (1) The retail dealer's name, address, and permit number.

18 (2) The name or unique identification number of the person who placed the
19 order and the date, time, and method of the order.

20 (3) The name of the delivery agent and the date, time, and address of the
21 delivery.

22 (4) The type, brand, and quantity of each alcoholic beverage delivered.

23 (5) The name, date of birth, and signature of the person who received the
24 delivery.

25 F. The third party may be deemed responsible for any violations of this Title
26 attributable to the conduct of the third party or the third party's delivery agent.

27 G. A third party delivering alcoholic beverages on behalf of a retail dealer
28 shall maintain at least two million dollars in liability insurance for the duration of the

1 agreement with any retail dealer and provide proof of coverage to the retail dealer
2 upon request.

3 * * *

4 §271. Permits required; fees

5 A. Before engaging in the business of dealing in malt beverages or beverages
6 of low alcoholic content, all manufacturers, wholesale and retail dealers, and
7 microbrewers shall obtain from the commissioner, according to established rules and
8 regulations, a permit to conduct each separate manufacturing, wholesale, retail, or
9 microbrewery business and shall pay for each permit a fee not to exceed the amounts
10 provided for in the following schedule and in accordance with regulations
11 promulgated pursuant to the provisions of the Administrative Procedure Act for each
12 year the permit is valid:

13 * * *

14 (5) Retailers, Class D Transporter - not to exceed one thousand five hundred
15 dollars for the transporter to operate within the entire state, subject to law.

16 ~~(5)~~(6) Microbrewer, which authorizes the holder of a Retailers, Class A
17 permit to engage in the brewing of beer and other malt beverages at a single location
18 in an amount not to exceed twelve thousand five hundred barrels, and which further
19 authorizes the sale at retail of such brewed beverages from that location – one
20 thousand dollars.

21 ~~(6)~~(7)(a) In-state manufacturers – one thousand dollars for each
22 establishment in the state.

23 (b) Out-of-state manufacturers who do not maintain an establishment in the
24 state.

25 (i) Manufacturers who sell less than ten thousand barrels – two hundred
26 dollars.

27 (ii) All other out-of-state manufacturers – one thousand dollars.

28 * * *

1 §307. Delivery services of certain retail dealers; requirements; limitations

2 A.(1) Notwithstanding any provision of law to the contrary, a retail dealer
3 possessing a valid retail permit issued pursuant to R.S. 26:272 or a retail dealer
4 possessing a valid permit who is authorized to sell alcoholic beverages in factory
5 sealed containers for transportation and consumption off the licensed premises may
6 deliver alcoholic beverages to customers within this state pursuant to the provisions
7 of this Section and any applicable regulations promulgated, in accordance with the
8 Administrative Procedure Act, by the commissioner of the office of alcohol and
9 tobacco control, the secretary of the Department of Revenue, or the secretary of the
10 Louisiana Department of Health.

11 (2) In addition to the permit fee required by R.S. 26:271, a retail dealer
12 possessing a valid retail permit pursuant to R.S. 26:272 shall pay an additional fee
13 of one hundred dollars to deliver alcoholic beverages to consumers in accordance
14 with the provisions of this Section.

15 B. A retail dealer providing alcoholic beverage delivery services pursuant
16 to this Section shall:

17 (1) Deliver only alcoholic beverages purchased from a wholesale dealer
18 licensed pursuant to this Chapter.

19 (2) Deliver alcoholic beverages intended for personal consumption only and
20 delivered in a manufacturer sealed container or other sealed container that has been
21 approved by the commissioner of the office of alcohol and tobacco control. The
22 delivery of an "open alcoholic beverage container" as defined in R.S. 32:300 is
23 prohibited.

24 (3) Deliver only on the days and during the hours a retail dealer is legally
25 authorized to sell alcoholic beverages.

26 (4) Deliver only in those areas where the sale or delivery of alcoholic
27 beverages is permitted.

1 (5) A retail dealer providing alcoholic beverage delivery services shall not
2 deliver any alcoholic beverages to any location on a campus of any primary or
3 secondary educational institution located within this state.

4 (6) Deliveries shall only be made to a location that is within the city, town,
5 village, or unincorporated area, or within twenty miles of the corporate limits of the
6 city, town, village, or unincorporated area where the retail dealer's licensed premises
7 from which the alcoholic beverages were purchased is located.

8 (7) Deliveries shall only be made by a person who is legally classified as a
9 W-2 employee or as a 1099 independent contractor of the retail dealer, and who is
10 at least eighteen years of age, and who possesses a valid Louisiana Responsible
11 Vendor Server's permit.

12 (8) The retail dealer shall be able to monitor the routes of its delivery agents
13 during alcoholic beverage deliveries.

14 (9) At the time of delivery of any alcoholic beverage, a retail dealer's
15 delivery agent shall verify, through the use of any method approved by the
16 commissioner of the office of alcohol and tobacco control, that the recipient
17 possesses a valid form of identification, is twenty-one years of age or older, and shall
18 obtain the recipient's signature.

19 (10) A retail dealer's delivery agent shall refuse delivery and return the
20 alcoholic beverages to the licensed premises if any of the following conditions exist:

21 (a) The recipient does not produce a valid and current form of identification
22 as provided in R.S. 26:90(A)(1).

23 (b) The recipient is visibly intoxicated.

24 (c) There is reason to doubt the authenticity or correctness of the recipient's
25 identification.

26 (d) The recipient refuses to sign for the receipt of the delivery.

27 C. A retail dealer may charge a reasonable delivery fee and may receive
28 orders and accept payment in person at the licensed premises, through the use of a
29 telephone, the internet, or a mobile application or similar technology.

1 D. A retail dealer shall keep a record of all deliveries of alcoholic beverages
2 and retain such records for two years from the date of delivery. The retail dealer
3 shall make such records available to the commissioner of the office of alcohol and
4 tobacco control upon request for the purpose of investigating and enforcing the
5 provisions of this Title. The record of each delivery shall include all of the
6 following:

7 (1) The retail dealer's name, address, and permit number.

8 (2) The name or unique identification number of the person who placed the
9 order and the date, time, and method of the order.

10 (3) The name of the delivery agent and the date, time, and address of the
11 delivery.

12 (4) The type, brand, and quantity of each alcoholic beverage delivered.

13 (5) The name, date of birth, and signature of the person who received the
14 delivery.

15 §308. Third-party retail alcoholic beverage delivery; requirements; limitations

16 A. Notwithstanding any provision of law to the contrary, a retail dealer
17 possessing a valid retail permit issued pursuant to R.S. 26:272 or a retail dealer
18 possessing a valid permit who is authorized to sale alcoholic beverages in factory
19 sealed containers for transportation and consumption off the licensed premises may
20 enter into a written agreement with a third party for the use of an internet or mobile
21 application or similar technology platform to facilitate the sale of alcoholic
22 beverages for delivery to consumers for personal consumption within this state and
23 the third party may deliver alcoholic beverages to the consumer on behalf of the
24 retail dealer pursuant to the provisions of this Section and any applicable regulations
25 that may be promulgated, in accordance with the Administrative Procedure Act, by
26 the commissioner of the office of alcohol and tobacco control, the secretary of the
27 Department of Revenue, or the secretary of the Louisiana Department of Health.

28 B. A third party providing alcoholic beverage delivery services pursuant to
29 this Section shall:

1 (1) Possess a valid Class D- Transporter permit issued by the office of
2 alcohol and tobacco control.

3 (2) Be properly registered with the Louisiana Secretary of State and
4 authorized to conduct business in the state.

5 (3) Not be the holder of an alcoholic beverage wholesaler or manufacturer
6 permit.

7 (4) Deliver only alcoholic beverages held in stock at the retail dealer's
8 licensed premises.

9 (5) Deliver alcoholic beverages in a manufacturer sealed container or other
10 sealed container that has been approved by the commissioner of the office of alcohol
11 and tobacco control. The delivery of an "open alcoholic beverage container" as
12 defined in R.S. 32:300 is prohibited.

13 (6) Deliver only on the days and during the hours a retail dealer is legally
14 authorized to sell alcoholic beverages.

15 (7) Deliver only in those areas where the sale or delivery of alcoholic
16 beverages is permitted.

17 (8) A third party providing alcoholic beverage delivery services shall not
18 deliver any alcoholic beverages to any location on a campus of any primary or
19 secondary educational institution located within this state.

20 (9) Deliveries shall only be made to a location that is within the city, town,
21 village, or unincorporated area, or within twenty miles of the corporate limits of the
22 city, town, village, or unincorporated area where the retail dealer's licensed premises
23 from which the alcoholic beverages were purchased is located.

24 (10) Deliveries shall only be made by a person who is legally classified as
25 a W-2 employee or as a 1099 independent contractor of the third party, and who is
26 at least eighteen years of age, and who possesses a valid Louisiana Responsible
27 Vendor Server's permit.

28 (11) The third party shall be able to monitor the routes of its delivery agents
29 during alcoholic beverage deliveries.

1 (12) The retail dealer's registered trade name shall be displayed on all
2 websites, mobile applications, or similar technology, receipts, and advertisements
3 associated with the sale and delivery of a retail dealer's alcoholic beverage inventory.

4 (13) At the time of delivery of any alcoholic beverage, a third party's
5 delivery agent shall verify, through any method approved by the commissioner of the
6 office of alcohol and tobacco control, that the recipient possesses a valid form of
7 identification, is twenty-one years of age or older, and shall obtain the recipient's
8 signature.

9 (14) A third party's delivery agent shall refuse delivery and return the
10 alcoholic beverages to the retail dealer's licensed premises if any of the following
11 conditions exist:

12 (a) The recipient does not produce a valid and current form of identification
13 as provided in R.S. 26:90(A)(1).

14 (b) The recipient is visibly intoxicated.

15 (c) There is reason to doubt the authenticity or correctness of the recipient's
16 identification.

17 (d) The recipient refuses to sign for the receipt of the delivery.

18 C. The retail dealer shall manage and control the sale of alcoholic beverages
19 facilitated by the third party. Such responsibilities shall include but not be limited
20 to all of the following:

21 (a) Determine the alcoholic beverages to be offered for sale through a third
22 party's internet or mobile application platform or similar technology.

23 (b) Determine the price at which alcoholic beverages are offered for sale
24 through a third party's internet or mobile application platform or similar technology.

25 (c) Accept or reject all orders placed for alcoholic beverages through a third
26 party's internet or mobile application platform or similar technology.

27 (d) Collect and remit all applicable state and local sales taxes.

28 D. A retail dealer may pay a third party a fee for its services and a third party
29 may charge a reasonable delivery fee to the consumer for orders delivered by the

1 third party's agent. A third party may act as an agent of a retail dealer in the
2 collection of payment from the sale of alcoholic beverages, but the full amount of
3 each alcoholic beverage order must be handled in a manner that gives the retail
4 dealer control over the ultimate receipt of the payment from the consumer.

5 E. A third party shall keep a record of all deliveries of alcoholic beverages
6 and retain such records for two years from the date of delivery. The third party shall
7 make such records available to the commissioner of the office of alcohol and tobacco
8 control upon request for the purpose of investigating and enforcing the provisions of
9 this Title. The record of each delivery shall include all of the following:

10 (1) The retail dealer's name, address, and permit number.

11 (2) The name or unique identification number of the person who placed the
12 order and the date, time, and method of the order.

13 (3) The name of the delivery agent and the date, time, and address of the
14 delivery.

15 (4) The type, brand, and quantity of each alcoholic beverage delivered.

16 (5) The name, date of birth, and signature of the person who received the
17 delivery.

18 F. The third party may be deemed responsible for any violations of this Title
19 attributable to the conduct of the third party or the third party's delivery agent.

20 G. A third party delivering alcoholic beverages on behalf of a retail dealer
21 shall maintain at least two million dollars in liability insurance for the duration of the
22 agreement with any retail dealer and provide proof of coverage to the retail dealer
23 upon request.

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 520 Original

2019 Regular Session

Stefanski

Abstract: Authorizes the delivery of beverages of high and low alcoholic content for personal consumption.

Proposed law authorizes certain retail dealers, permitted by the office of alcohol and tobacco control (ATC), to deliver alcoholic beverages of high and low alcoholic content to consumers pursuant to the following requirements and restrictions:

- (1) Deliver only alcoholic beverages purchased from a licensed wholesale dealer licensed.
- (2) Deliver alcoholic beverages intended for personal consumption only and in a sealed container approved by the commissioner of ATC.
- (3) Deliver only on the days and during hours a retail dealer is legally authorized to sell.
- (4) Deliver only in those areas where the sale or delivery of alcoholic beverages is permitted.
- (5) Not deliver any alcoholic beverages to any location on a campus of any primary or secondary educational institution.
- (6) Deliver only to a location within the city, town, village, or unincorporated area, or within twenty miles of the corporate limits of the city, town, village, or unincorporated area where the retail dealer's licensed premises from which the alcoholic beverages were purchased is located.
- (7) Deliveries shall be made only by certain employees or independent contractors of the retail dealer, who are at least 18 years of age and who possess a valid Louisiana Responsible Vendor Server's permit.
- (8) The retail dealer shall be able to monitor the routes of its delivery agents during alcoholic beverage deliveries.
- (9) At the time of delivery of any alcoholic beverage, a retail dealer's delivery agent shall verify that the recipient possesses a valid form of identification and is 21 years of age or older, and shall obtain the recipient's signature.
- (10) Requires the delivery agent to refuse delivery and return the alcoholic beverages to the licensed premises if any of the following conditions exist:
 - (a) The recipient does not produce a valid and current form of identification.
 - (b) The recipient is visibly intoxicated.
 - (c) There is reason to doubt the authenticity or correctness of the recipient's identification.
 - (d) The recipient refuses to sign for the receipt of the delivery.

Proposed law requires permitted retail dealers to pay a fee of \$100 in addition to the present law permit fees to deliver alcoholic beverages to consumers pursuant to proposed law.

Proposed law authorizes retail dealers to enter into a written agreement with a third party for the use of an internet or mobile application or similar technology platform to facilitate the delivery of alcoholic beverages and authorizes the third party to make those deliveries on behalf of the retail dealer. Proposed law applies the same requirements and restrictions as noted in (1) through (10) above, and adds the following additional requirements or restrictions:

- (1) Possess a valid Class D- Transporter permit at a fee of \$1,500.
- (2) Be properly registered with the Secretary of State and authorized to conduct business in the state.

- (3) Not be the holder of an alcoholic beverage wholesaler or manufacturer permit.
- (4) Deliver only alcoholic beverages held in stock at the retail dealer's licensed premises.
- (5) The retail dealer's registered trade name shall be displayed on all websites, mobile applications, or similar technology, receipts, and advertisements associated with the sale and delivery of a retail dealer's alcoholic beverage inventory.

Proposed law, in the case of a third-party delivery agreement, requires the retail dealer to manage and control the sale of alcoholic beverages facilitated by the third party, including but not be limited to:

- (1) Determining the alcoholic beverages to be offered for sale through a third party's internet or mobile application platform or similar technology.
- (2) Determining the price at which alcoholic beverages are offered for sale through a third party's internet or mobile application platform or similar technology.
- (3) Accepting or rejecting all orders placed for alcoholic beverages through a third party's internet or mobile application platform or similar technology.
- (4) Collecting and remitting all applicable state and local sales taxes.

Proposed law authorizes a retail dealer to pay a third party a fee for its services and authorizes a third party to charge a reasonable delivery fee to the consumer for orders delivered by the third party's agent. Authorizes a third party to act as an agent of a retail dealer in the collection of payment from the sale of alcoholic beverages, but the full amount of each alcoholic beverage order must be handled in a manner that gives the retail dealer control over the ultimate receipt of the payment from the consumer.

Proposed law requires third parties to maintain at least two million dollars in liability insurance for the duration of the agreement with the retail dealer.

Proposed law requires records of all deliveries made pursuant to proposed law to be retained for a minimum of two years and provides for the specific information to be contained in those records.

(Amends R.S. 26:271(A)(5) and (6); Adds R.S. 26:71(A)(3)(f), 153, 154, 271(A)(7), 307, and 308)