
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)