

2021 Regular Session

HOUSE BILL NO. 571

BY REPRESENTATIVE STEFANSKI

1 AN ACT

2 To amend and reenact R.S. 26:274(A)(2) and 308(B), (C)(6), (8), and (11)(c), and (J) and
3 to enact R.S. 26:308(C)(12)(b)(i) through (iii), relative to the delivery of alcoholic
4 beverages; to provide relative to third party delivery companies and platforms; to
5 provide for requirements for alcoholic beverage delivery agreements; to provide for
6 penalties; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:274(A)(2) and 308(B), (C)(6), (8), and (11)(c), and (J) are hereby
9 amended and reenacted and R.S. 26:308(C)(12)(b)(i) through (iii) is hereby enacted to read
10 as follows:

11 §274. Local permits

12 A.

13 * * *

14 (2) Parishes and municipalities may issue and require local permits similar
15 to those issued by the commissioner for the delivery of alcoholic beverages by
16 grocery stores; and restaurants; ~~and third parties~~. No parish or municipality shall
17 require permits of any third party which has been issued a Class D delivery service
18 permit.

19 * * *

20 §308. Alcoholic beverages delivery agreements; requirements; limitations

21 * * *

22 B.(1) Notwithstanding any provision of law to the contrary, a retail dealer
23 possessing a valid Class A-General retail permit as provided in R.S. 26:271.2, a

1 Class "R" restaurant permit as provided in R.S. 26:272, or a package house-Class B;
 2 ~~as defined in R.S. 26:241~~, permit as provided ~~in this Chapter~~ by R.S. 26:271.4 may
 3 enter into a written agreement with a third-party delivery company or a third-party
 4 platform for the use of an internet or mobile application or similar technology
 5 platform to facilitate the sale of alcoholic beverages for delivery to consumers for
 6 personal consumption within this state and the third-party delivery company or the
 7 third-party platform may deliver alcoholic beverages to the consumer.

8 (2) Notwithstanding any provision of law to the contrary, a retail dealer
 9 possessing a package house-Class B permit as provided by R.S. 26:271.4 may enter
 10 into a written agreement with a third-party delivery company or a third-party
 11 platform for the use of an internet or mobile application or similar technology
 12 platform to facilitate the sale of alcoholic beverages for curbside pickup by
 13 consumers within this state for personal consumption.

14 C. An alcoholic beverage delivery agreement between a retail dealer and a
 15 third party shall require all of the following:

16 * * *

17 (6) No alcoholic beverages shall be delivered to any building owned or
 18 operated by a state college, university, or technical college or institute or an
 19 independent college or university located in this state: where students are housed,
 20 attend class, gather, or meet.

21 * * *

22 ~~(8)(a) For any parish having a population of less than one hundred thousand~~
 23 ~~according to the latest federal decennial census, no alcoholic beverages shall be~~
 24 ~~delivered more than twenty-five miles from the place of purchase.~~

25 ~~(b) For any parish having a population of greater than one hundred thousand~~
 26 ~~according to the latest federal decennial census, no alcoholic beverages shall be~~
 27 ~~delivered more than ten miles from the place of purchase.~~ No alcoholic beverages
 28 shall be delivered more than twenty miles from the place of purchase.

29 * * *

1 (11) Alcoholic beverages are delivered only by a person that meets all of the
2 following requirements:

3 * * *

4 (c) The person possesses a valid server permit as provided in R.S. 26:931 et
5 seq. Any person who has obtained a server permit as provided in R.S. 26:931 et seq.
6 solely for the purpose of delivering alcoholic beverages in accordance with this
7 Section shall be exempt from local server permitting requirements.

8 (12) The retail dealer shall manage and control the sale of alcoholic
9 beverages including but not limited to all of the following:

10 * * *

11 (b) Determining the price at which alcoholic beverages are offered for sale
12 or sold through a third party's internet or mobile application platform or similar
13 technology.

14 (i) A third party shall list all alcoholic beverages on its platform at the price
15 determined and directed by the retail dealer.

16 (ii) A third party that lists alcoholic beverages on its platform at the price
17 directed by the retail dealer shall not be held liable for an impermissible price
18 increase even if the listed price is higher than the retailer determines for its licensed
19 premises.

20 (iii) A third party that lists alcoholic beverages on its platform at any price
21 other than the price determined and directed by the retail dealer shall be liable for an
22 impermissible price increase.

23 * * *

24 J. Any permittee who violates the provisions of this Section ~~shall~~ may be
25 subject to revocation of ~~their~~ the permit by the commissioner and be subject to
26 penalties as provided by R.S. 26:292.

27 Section 2. This Act shall become effective upon signature of the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18, of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____