

2020 Regular Session

HOUSE BILL NO. 275

BY REPRESENTATIVE HORTON

ALCOHOLIC BEVERAGES: Provides relative to the delivery of alcoholic beverages

1 AN ACT

2 To amend and reenact R.S. 26:271.2(2) and 274(A) and to repeal R.S. 26:271.2(1)(j), 271.4,
3 and 308, relative to the delivery of alcoholic beverages; to remove the authority to
4 deliver alcoholic beverages; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:271.2(2) and 274(A) are hereby amended and reenacted to read
7 as follows:

8 §271.2. Class A permit; definitions

9 * * *

10 (2) Class A-Restaurant:

11 ~~(a)~~ A Class A-Restaurant permit shall be issued only to a "restaurant
12 establishment" as defined by R.S. 26:272(C)(1) or a dinner theater as defined in R.S.
13 26:241, and issued to a facility in conjunction with a Class "R" restaurant permit
14 under the provisions of R.S. 26:272.

15 ~~(b) Notwithstanding any provision of law to the contrary and subject to rules
16 promulgated by the commissioner, in addition to the authority to contract with a third
17 party as provided in R.S. 26:308, a permit may be issued to a "restaurant
18 establishment" enabling the delivery of restaurant prepared food and alcohol with its
19 own employees. Notwithstanding the provisions of R.S. 26:271(A)(2), the permit~~

1 fee for the permit issued pursuant to this Subparagraph shall be two hundred fifty
2 dollars.

3 * * *

4 §274. Local permits

5 A.~~(1)~~ Parishes and municipalities may issue and require local permits similar
6 to those issued by the commissioner and may charge and collect fees therefor. No
7 parish or municipality shall require permits of any commercial airline which has
8 been issued a Class B retailer permit.

9 ~~(2) Parishes and municipalities may issue and require local permits similar~~
10 ~~to those issued by the commissioner for the delivery of alcoholic beverages by~~
11 ~~grocery stores, restaurants, and third parties.~~

12 * * *

13 Section 2. R.S. 26:271.2(1)(j), 271.4, and 308 are hereby repealed in their entirety.

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 275 Original

2020 Regular Session

Horton

Abstract: Removes the authority to deliver alcoholic beverages.

Present 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 including alcohol delivery permits.

Present law provides 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.

Present law defines a third-party delivery company, only for purposes of present 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.

Present 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.

Present 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.

Present 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.

Present 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.

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

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

Present 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.

Present law allows the commissioner to revoke any permit for permittees that violate the provisions of present law.

Proposed law removes the authority to deliver alcoholic beverages and makes changes to present law in this regard.

(Amends R.S. 26:271.2(2) and 274(A); Repeals R.S. 26:271.2(1)(j), 271.4, and 308)