



Louisiana Retail Food and Beverage E-Commerce Task Force

January 10, 2019

Whether you think delivery should be allowed-

Delivery of manufacturer sealed alcoholic beverages should be allowed by employees of licensed retailers or by third party delivery companies that contract with a licensed retailer within the confines of a regulatory framework developed by the Legislature and enforced by the Louisiana Office of Alcohol and Tobacco Control (ATC). The grocery business is highly competitive, and local businesses need the opportunity to effectively compete in the e-commerce marketplace. Retailers should be allowed to make the business decision whether or not they wish to provide home delivery of alcohol, and those retailers should be expected to comply with all relevant laws and regulations.

Requirements for delivery eligibility-

Delivery should only be allowed to occur from a permitted retailer, which may include on and off premise retailers.

No deliveries should be allowed to locations within an area that prohibits the sale of alcoholic beverages (“dry areas”).

Alcohol shall only be purchased and received by a person that is twenty-one years of age or older.

Licensing-

If retailers intend to deliver alcoholic beverages using their own employees, it does not seem that any further permit or license should be necessary. The retailer could be required to notify the ATC that they intend to provide home delivery service. Under this scenario, the retailer maintains liability for the alcohol until the delivery is completed.

If a third party provider is operating in Louisiana, they should be required to obtain a permit from the ATC. Without the permit requirement, ATC would not have any enforcement authority over the third party delivery provider. The third party delivery provider does not have the same level of responsibility for the actions of their employees or agents without the permit requirement. If the third party provider does not have the possibility of losing their authority to operate in the state, they may not have the appropriate incentive to make every effort to employ trained and responsible delivery drivers.

Enforcement-

Enforcement authority should lie with the ATC. The Commissioner should be provided with the authority to promulgate rules and regulations if necessary.

Whether restrictions or prohibitions should be placed on deliveries to certain areas such as college campuses-

The re-engrossed version of Senate Bill 489 by Senator Morrish prohibited deliveries “to a state college, university, or technical college or institute or an independent college or university located in this state.” We believe that it is prudent to prohibit deliveries to college campuses.

Delivery radius-

No position

Whether the legislation should address training requirements for delivery persons-

Delivery persons should be required to obtain a Responsible Vendor permit from a certified RV provider before any deliveries of alcohol are made. Delivery drivers should also be trained by the retailer/ third party delivery provider in order to be fully aware of the procedure to follow when the alcohol cannot be delivered due to an underage recipient, an intoxicated recipient or any other factor that may preclude the driver from successfully making the delivery.

Recommendations from your organization, agency, or industry which you would like addressed by legislation-

The Louisiana Retailers Association’s primary objection to Senate Bill 489 was the limitation that only restaurants and bars would be allowed to deliver alcoholic beverages; therefore, we recommend that any proposed legislation should not prohibit the grocery industry from delivering alcohol. Allowing delivery from only on-premise retailers would make Louisiana an outlier among the states that allow home delivery of alcohol.

Proposed legislation should be clear as to what party is liable in the event that alcohol is provided to a minor or under any other circumstance that would be a violation of the law. In the event that a retailer contracts with a third party delivery company, liability for the actions of the delivery driver should lie with the driver and the third party company after the alcohol leaves the licensed retailer’s premises. If the retailer utilizes its employees to deliver alcohol, the retailer would maintain responsibility until the product is delivered.