

Waitr Comments Regarding Alcohol Delivery
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It Waitr's position that alcohol delivery should be allowed in the State of Louisiana subject to the comments below.

I. Delivery should be allowed by third party vendors provided a contract is signed between the third party vendor and the retailer.

II. Delivery should be from a retail dealer possessing a valid Class A-General retail permit or a Class "R" restaurant permit allowed 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 sale of alcoholic beverages for delivery to consumers for personal consumption within this state and the third party may deliver alcoholic beverages to the consumer.

II. Alcoholic beverage delivery agreement:

- * Alcoholic beverages purchased from a licensed wholesale dealer
- * All alcoholic beverages should be available for deliver

* Only alcoholic beverages intended for personal consumption and delivered in a sealed container are offered for delivery

* Alcoholic beverages are delivered only on days and during the hours the retail dealer is authorized to sell or serve alcoholic beverages.

* Alcoholic beverages are delivered only in those areas where the sale of alcoholic beverages is permitted-if the sale of alcoholic beverages has been prohibited by a referendum vote, alcohol delivery will be prohibited.

* No alcoholic beverages will be delivered to a state college, university, or technical college or institute or an independent college or university located in this state.

* No alcoholic beverages are delivered more than fifteen miles from place of purchase

* All orders for the delivery of alcoholic beverages should contain food.

* The alcoholic beverages of all deliveries refused by a third party shall be returned to the place of purchase

III. Alcoholic beverages are delivered only by a person who meets all of the following requirements:

* Person is 18 years old or older

* The person is a W-2 employee, or a contract employee that is subject to rules and regulations established by the Legislature or ATC

* The person will possess a valid responsible vendor permit

IV. Retail Dealer shall manage and control sale of alcoholic beverages:

- * Determine the alcoholic beverages to be offered for sale through a third party's internet or mobile application platform or similar technology.
- * Determine the price at which alcoholic beverages are offered for sale or sold through a third party's internet or mobile application platform or similar technology
- * Accept or reject all orders placed for alcoholic beverages through a third party's internet or mobile application platform or similar technology.
- * Collect and remit all applicable state and local taxes

V. Retail dealer shall enter into an alcoholic beverage delivery agreement with a third party only when that party meets all the following:

- * The third party is properly registered and authorized to conduct business in Louisiana
- * The third party holds a valid Louisiana alcoholic beverage permit
- * The third party maintains not less than \$2 million in liquor liability insurance for the duration of the agreement with the retail dealer and provides proof of coverage to the retail dealer
- * The third party is able to monitor the routes of its employees during deliveries
- * The third party conducts an in-person interview and a background check on all employees that will deliver alcoholic beverages.

VI. Third party may charge a reasonable delivery fee

VII. Third party delivery agent must obtain recipient's signature and verify the age of recipient through the use of an electronic age verification device that shall be approved by the commissioner.

- * Magnetic card reader or alternative technology capable of verifying proof of age
- * Reading a valid state issued driver's license or identification card
- * Storing recipient's name, age, DOB, gender, expiration date of the ID, and the date and time the ID was scanned/captured.

VIII. Delivery records of each alcoholic beverage delivery will be kept for two years from the date of delivery and made available to the commissioner of ATC upon request for the purpose of investigating and enforcement. Records shall include:

- * Retailer's name, address, and permit number
- * Name of the person who placed the order and the date, time, and method of order
- * Name of delivery agent and the date, time, and address of the delivery
- * The type, brand, and quantity of each alcoholic beverage delivered.
- * The name, DOB, and signature of the person who received the delivery

IX. This will not apply to transportation or delivery by a carrier that performs transportation subject to the jurisdiction of 49 U.S.C 13501 et seq., regardless of whether the specific transportation or delivery is subject to such jurisdiction.

X. Commissioner of ATC may promulgate rules and regulations in accordance with the Administrative Procedure Act to effectuate the provisions of this Section.