

**LEGEND:** The lines of shaded text below correspond to the shaded areas of the attached chart. The descriptions on this page illustrate which responses of the same color respond to a common issue.

Opinions on whether delivery should be permitted are on a spectrum of green. No members oppose delivery. The responses in lighter green express some reservation.

References to Liability

References to Responsible Vendor certification

References to age verification

References to a retailer's ability to choose whether to independently provide delivery services vs. contracting with a third party provider

Responses that indicate that a new permit should be created; references to permit fees.

References to rulemaking authority (to ATC, LDH, and local government)/suggestions of agencies (including law enforcement) to consult with during drafting process

References to point of sale and other taxation questions

References to delivery restrictions near college campuses, churches, dry areas etc. (NOTE: one response recommends restricting delivery—to any location—to beverages of low alcoholic content)

References to other employee requirements (W-2/ full-time vs. 1099 contractors, etc.)

Task Force members did not reach a consensus in their opinions on delivery radius or whether legislation should require food to be ordered along with delivery:

**BECAUSE THERE WAS NO CONSENSUS ON DELIVERY RADIUS:** References to delivery radius is on a spectrum of purple.

The responses in dark purple are in favor of a delivery radius.

Responses in lighter purple oppose a delivery radius.

**BECAUSE THERE WAS NO CONSENSUS ON A FOOD REQUIREMENT:** References to whether food should be required with a delivery order are on a spectrum of blue.

Responses in navy blue recommend a food delivery requirement.

Responses in light blue oppose a food delivery requirement.

	Should alcohol delivery be allowed?	Training (or other) Requirements	Permitting	Enforcement	Restrictions on Delivery	Delivery Radius	Other Issues
Rouse's	<p>Rouses Markets is in support of allowing beer, wine, and spirits in the original manufacturer container for delivery in the state of Louisiana.</p>	<p>Rouses Markets recommends that (a) a third-party delivery service (i.e. Instacart, Shipt, Waitr) be responsible for the delivery of alcohol and that the liability fall within their company, or (b) the retailer/restaurant may choose to handle the delivery of alcohol and would absorb all permit fees and liability if no third-party delivery service is hired.</p> <p>Rouses Markets recommends that the receiver of the alcohol be 21 or older, must present a valid ID at the time of delivery, and that the delivery person must use an app or scanner to validate the ID presented. If the app is not functioning properly, the delivery person must call their customer support number to manually walk through</p>	<p>Rouses Markets recommends that the ATC create a new permit type for the delivery of alcohol in the state of Louisiana. This may be an extension of a current liquor license.</p> <p>If a third-party delivery service is hired, they should be required to apply for and pay any permit fees.</p> <p>If the retailer/restaurant handles the delivery of alcohol, they would be responsible for applying for the permit and paying the permit fees.</p> <p>The only eligible parties that will be approved for this permit would be establishments that currently carry AR, B, and C liquor licenses and third-party</p>	<p>Rouses Markets recommends that the ATC hold all parties accountable for the delivery of alcohol. The holder of the permit (along with the driver if applicable) would accept full responsibility of checking the recipient ID and therefore would be fined the full amount of penalty fees should they deliver to a minor.</p>	<p>Rouses Markets recommends that addresses that fall within college campuses be restricted from delivery of alcohol. This is also the recommendation of Rouses Markets' delivery partner, Shipt.</p>	<p>Rouses Markets recommends that the delivery radius stays the same or consistent to what is currently being used by our delivery partners, which is approximately 20 minutes from store to delivery address</p>	<p>Rouses Markets opposes Drizly's stance on delivery being handled strictly through their technology but having the act of delivery itself on the retailer. We feel this would truly only be beneficial to liquor stores and not retailers or restaurants.</p> <p>Rouses Markets believes it should be up to the business on whether or not they decide to partner with a third party delivery service. We feel that these partners, like Waitr, Instacart, and Shipt, may be better equipped to offer delivery of alcohol and abide by all Louisiana and federal laws than some of the smaller retailers that may not have this</p>

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		<p>proper identification of the ID and have this information documented within their system.</p> <p>Rouses Markets recommends that the legislation address training requirements. We believe this would be the <b>responsible vendor permit</b> in addition to any internal training that our delivery partners would require from their team.</p>	<p>delivery companies. Distributors and warehouses will be excluded.</p>				<p>capability. We believe that if a bill is presented, it should benefit retailers and restaurants as a whole and not just one party.</p>
LA Municipal Association	<ul style="list-style-type: none"> <li>If legislation to allow delivery of alcohol is enacted, it should be done in a way that preserves community standards.</li> <li>Over 25% of the state's parishes have voted to either</li> </ul>	<p>Will locals be able to promulgate rules to make requirements for delivery personnel that may go farther than state requirements?</p>	<ul style="list-style-type: none"> <li>It appears that this legislation would require a new type of permit.</li> <li>Local government would hope to retain the authority it currently holds to govern the permitting process.</li> </ul>	<p>LMA suggests that legislation empower local governments to levy their own fees to cover the additional cost of enforcement at the local level.</p>			<ul style="list-style-type: none"> <li>Public safety: Feedback from law enforcement authorities would add value to the drafting process; there may be compelling safety issues regarding the delivery of alcohol into certain areas, such as high crime areas or college campuses.</li> <li>Taxation: LMA suggests that if</li> </ul>

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	prohibit or restrict the sale of alcohol.						<p>the vendor is an agent for the buyer, the product should be taxed at the retailer's location. If the vendor is an agent for the seller, the product should be taxed at the buyer's location.</p> <p>Considerations: Who is responsible for remittance?</p> <p>Would delivery fees be taxable?</p> <p>Would the full advertised sales price be taxable or would upcharges be excluded from the sales price?</p>
LA Restaurant Association	Members' opinions vary.	<ul style="list-style-type: none"> <li>When third party delivery providers are utilized, the providers' personnel should be Responsible Vendor certified in the same</li> </ul>	<ul style="list-style-type: none"> <li>If a licensed restaurant seeks to deliver alcohol with prepared restaurant food by means of its own employees, it must</li> </ul>	A requirement that third-party delivery service providers register with the ATC may allow ATC to provide oversight. The third-	LRA recommends a careful review of potential delivery to schools, churches, college	LRA recommends a delivery radius of 10 miles.	<ul style="list-style-type: none"> <li>LRA recommends that legislation should require all alcohol beverage deliveries originating from restaurants to</li> </ul>

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		<p>way that restaurant employees are.</p> <ul style="list-style-type: none"> <li>Beverage alcohol must be transported in sealed packages.</li> <li>Deliveries should require age verification of purchaser.</li> </ul>	<p>provide notice or register with the ATC.</p> <ul style="list-style-type: none"> <li>If a licensed restaurant seeks to deliver alcohol with prepared restaurant food by means of a third-party app-based or other delivery provider, that provider would be required to obtain a license for delivery from ATC, remit the appropriate fee and agree to share in the legal liability that a restaurant would have.</li> </ul>	<p>party delivery provider should not be an agent of the restaurant-licensee.</p>	<p>campus housing, etc. Review to these types of establishments should be addressed either in the legislation or through rulemaking.</p>		<p>include restaurant food.</p> <ul style="list-style-type: none"> <li>LRA recommends that the operating hours for proposed delivery should align with the operating hours of the restaurant.</li> <li>The legislation may need to convey rulemaking authority to the LA Department of Health, as they are the agency which regulates food safety.</li> <li>LRA recommends that legislation require third-party delivery service providers to obtain appropriate liquor liability insurance.</li> </ul>
<p>LA Retailers Association</p>	<p>Yes, retailers should have the option of delivering alcoholic</p>	<ul style="list-style-type: none"> <li>Delivery persons should be Responsible Vendor certified.</li> </ul>	<p>“Retailers” distinguishes delivery by licensed retailers, as opposed to third party providers.</p>	<p>Legislation should empower the ATC Commissioner with rulemaking authority.</p>	<p>“Retailers” recommend that alcohol deliveries should</p>	<p>LRA has no position on this.</p>	<ul style="list-style-type: none"> <li>“Retailers” only objection to SB 489 of 2018 is that it only provided for</li> </ul>

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	<p>beverages directly or through a third party delivery service provider.</p>	<ul style="list-style-type: none"> <li>Delivery persons should also be trained by the retailer or third party delivery service provider in the procedure to follow when the alcohol delivery should not be completed due to a failure to verify the consumer's age, the consumer's intoxication, or any other factor that should preclude delivery.</li> <li>LRA recommends that legislation only allow delivery from a permitted retailer to persons who are at least 21 years of age.</li> </ul>	<ul style="list-style-type: none"> <li>If retailers intend to deliver alcoholic beverages using their own employees, no additional permit should be required.</li> <li>Third-party delivery service providers should be required to obtain a permit from the ATC.</li> </ul> <p>The absence of a requirement for third-party delivery service providers to obtain a permit would leave ATC without enforcement authority and would leave these providers without the same level of responsibility for their employees/agents.</p>		<p>not be permitted into "dry" areas.</p>		<p>delivery of alcoholic beverages from restaurants and bars. Therefore, LRA recommends that proposed legislation not prohibit the grocery industry from delivering alcohol.</p> <ul style="list-style-type: none"> <li>Proposed legislation should be clear in stating what party is liable in the event that alcohol is provided to a minor, or in any other illicit manner.</li> <li>LRA recommends that when a retailer contracts with a third-party delivery company, liability for the actions of the driver should lie with the driver and third-party company once</li> </ul>

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							the alcohol leaves the retailer's premises. When a retailer uses its employees to deliver alcohol, liability should remain with the retailer until the product is delivered.
Beer Industry League of Louisiana	Delivery of wine, beer, and liquor should be authorized.	<ul style="list-style-type: none"> <li>Delivery persons should be Responsible Vendor certified.</li> <li>The Beer League recommends that delivery eligibility be restricted to full-time, W-2 employees.</li> <li>Companies who provide delivery services must be registered to do business with the Louisiana Secretary of State.</li> <li>Legislation should require employees to verify the age of the consumer using a technology that has</li> </ul>	<ul style="list-style-type: none"> <li>Proposed legislation should create a new delivery permit, and provide for an application and application fee, similar to that created in LA R.S. 26:272.</li> </ul>		Delivery should only be authorized from an ATC-permitted retailer to a residence.	The Beer League recommends that delivery radius should be limited to the distance that is agreed upon by regulators and industry members.	<ul style="list-style-type: none"> <li>The Beer League recommends that legislation limit delivery to beverage alcohol in a manufacturer sealed container</li> <li>"Manufacturer sealed" is not synonymous with "factory sealed"</li> <li>The Beer League recommends that "manufacturer sealed" be defined as follows: "A manufacturer sealed container is the manufacturer's original sealed</li> </ul>

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		been approved by the ATC.					container filled with the beverage alcohol produced at the permitted facility by the manufacturer as defined in LA R.S. 26:2(24) and 26:241(10).
Wine and Spirits Foundation of Louisiana	Delivery of wine, beer, and liquor should be authorized.	<ul style="list-style-type: none"> <li>• Delivery persons should be Responsible Vendor certified.</li> <li>• The Foundation recommends that delivery eligibility be restricted to full-time, W-2 employees.</li> <li>• Companies who provide delivery services must be registered to do business with the Louisiana Secretary of State.</li> <li>• Legislation should require employees to verify the age of the consumer using a technology that has been approved by the ATC.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed legislation should create a new delivery permit, and provide for an application and application fee, similar to that created in LA R.S. 26:272.</li> </ul>		Delivery should only be authorized from an ATC-permitted retailer to a residence.	The Foundation recommends that delivery radius should be limited to the distance that is agreed upon by regulators and industry members.	<ul style="list-style-type: none"> <li>• The Foundation recommends that legislation limit delivery to beverage alcohol in a manufacturer sealed container</li> <li>• “Manufacturer sealed” is not synonymous with “factory sealed”</li> <li>• The Foundation recommends that “manufacturer sealed” be defined as follows: “A manufacturer sealed container is the manufacturer’s original sealed container filled with the beverage</li> </ul>



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							alcohol produced at the permitted facility by the manufacturer as defined in LA R.S. 26:2(24) and 26:241(10).
Waitr	Yes. Delivery should be allowed by third party vendors provided a contract is signed between the third party vendor and the retailer.	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.  . Alcoholic beverages are delivered only by a		Commissioner of ATC may promulgate rules and regulations in accordance with the Administrative Procedure Act to effectuate the provisions of this Section.	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.	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  . 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

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		<p>person who meets all of the following requirements:</p> <ul style="list-style-type: none"> <li>* Person is 18 years old or older</li> <li>* The person is a W-2 employee, or a contract employee that is subject to rules and regulations established by the Legislature or ATC</li> <li>* The person will possess a valid responsible vendor permit</li> </ul> <p>Retail dealer shall enter into an alcoholic beverage delivery agreement with a third party only when that party meets all the following:</p> <ul style="list-style-type: none"> <li>* The third party is properly registered and authorized to conduct business in Louisiana</li> <li>* The third party holds a valid Louisiana alcoholic beverage permit</li> <li>* The third party maintains not less than</li> </ul>			<p>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.</p> <p>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.</p>		<p>enforcement. Records shall include:</p> <ul style="list-style-type: none"> <li>* Retailer's name, address, and permit number</li> <li>* Name of the person who placed the order and the date, time, and method of order</li> <li>* Name of delivery agent and the date, time, and address of the delivery</li> <li>* The type, brand, and quantity of each alcoholic beverage delivered.</li> <li>* The name, DOB, and signature of the person who received the delivery</li> </ul> <p>Retail Dealer shall manage and control sale of alcoholic beverages:</p> <ul style="list-style-type: none"> <li>* Determine the alcoholic beverages to be offered for sale through a third party's internet or mobile application</li> </ul>

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		<p>\$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</p> <ul style="list-style-type: none"> <li>* The third party is able to monitor the routes of its employees during deliveries</li> <li>* The third party conducts an in-person interview and a background check on all employees that will deliver alcoholic beverages.</li> </ul> <p>. 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.</p> <ul style="list-style-type: none"> <li>* Magnetic card reader or alternative technology capable of verifying proof of age</li> </ul>					<p>platform or similar technology.</p> <ul style="list-style-type: none"> <li>* 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</li> <li>* Accept or reject all orders placed for alcoholic beverages through a third party's internet or mobile application platform or similar technology.</li> <li>* Collect and remit all applicable state and local taxes</li> </ul>

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		<ul style="list-style-type: none"> <li>* Reading a valid state issued driver's license or identification card</li> <li>* Storing recipient's name, age, DOB, gender, expiration date of the ID, and the date and time the ID was scanned/captured.</li> </ul>					
Louisiana Craft Brewers Guild	Yes	<ul style="list-style-type: none"> <li>• Delivery should be authorized for 1099 or W2 employees</li> <li>• Employees should be Responsible Vender certified</li> <li>• The Guild recommends that the proposed legislation authorize permitted third party companies to be able to deliver from restaurants, retailers, convenient stores, package stores, and manufacturers.</li> </ul>	An ATC license should be required for delivery companies	Legislation should authorize ATC to conduct audits and should provide for reporting requirements from delivery companies	The Guild advises that, as long as a person is 21 years of age and presents identification to match the name of the ordering person, there should be no restriction or prohibition of delivery services.	<p>The Guild does not recommend that the legislation impose a delivery radius.</p> <p>Each delivery company or retailer can determine the radius that will maintain the safety and quality of the product being delivered.</p>	<ul style="list-style-type: none"> <li>• The Guild does not recommend a requirement that alcohol delivery orders include a food order</li> </ul>

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Senator Morrish	Yes	<ul style="list-style-type: none"> <li>Delivery eligibility should include all of the requirements in present law for in-person purchases, including age verification.</li> <li>Proposed legislation should mandate the same training requirements for anyone delivering alcohol as it mandates for those persons selling alcohol in person, with a higher level of focus on the electronic methods that age and identification are verified.</li> </ul>	ATC should develop a separate permit for alcohol delivery.	ATC should enforce eligibility requirements, permit compliance, and conduct sting operations replicating the procedures it currently uses for traditional vendors.	Delivery restrictions should be considered.	No	
Representative Carmody		<ul style="list-style-type: none"> <li>Third-party delivery persons should be properly licensed full-time employees</li> </ul>		The proposed legislation should specify strict liability; a properly licensed full time employee of a third-party delivery service provider would carry the liability of that licensed vendor in	<ul style="list-style-type: none"> <li>Restaurant deliveries must include a food order, and be delivered by an employee of the restaurant.</li> <li>Third party delivery</li> </ul>	The proposed legislation should address a delivery radius.	In addition to the factors listed in the other columns, the proposed legislation should address each of the following considerations: <ul style="list-style-type: none"> <li>Accountability by employer and delivery driver</li> </ul>

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				the event of an illicit act or omission.	<ul style="list-style-type: none"> <li>should only be allowed at consumers' residence.</li> <li>Limit delivery to low content beverages (beer and wine).<sup>1</sup></li> </ul>		<ul style="list-style-type: none"> <li>ATC's ability to enforce the laws and regulations</li> <li>Liability</li> <li>Food safety/rulemaking authority to LDH</li> <li>Financial transactions and tax collections</li> <li>Whether open container deliveries are permissible</li> </ul>
Office of Alcohol and Tobacco Control		<ul style="list-style-type: none"> <li>Drivers shall be RV certified.</li> <li>Drivers shall have ID scanners to verify age.</li> <li>Retailers shall provide written notice to ATC prior to providing delivery service.</li> <li>Retailers shall provide written notification to ATC prior to utilizing any third party for delivery services. Notification should</li> </ul>	<p>Third party delivery companies should be required to obtain an ATC permit.</p> <p>The permit fee should be set at such a rate as to offset the cost of ensuring compliance</p>	<ul style="list-style-type: none"> <li>Third-party delivery providers shall be accountable for the acts and omissions of their drivers.</li> <li>ATC recommends the following language:  "Any person making deliveries of alcoholic beverages on behalf of a retail</li> </ul>	The legislation should prohibit alcohol deliveries to high school and college campuses.		<p>ATC advises the Task Force to consider:</p> <ul style="list-style-type: none"> <li>Including a delivery radius within the proposed legislation.</li> <li>Requiring restaurant deliveries to include a food order.</li> <li>Requiring other retail deliveries to include a non-alcoholic product in the order.</li> </ul>

<sup>1</sup> One recommendation that delivery be limited to beer and wine.

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		include the name, phone number and email address of the third party's general manager and the name, mailing address, phone number, and email address of the third party's Louisiana registered agent.		<p>dealer shall first obtain a LA Responsible Vendor Server's permit and shall be subject to the liability, fines, and penalty provisions.</p> <p>ATC may issue violations the third party delivery company for violations deemed attributable to the third party or a delivery person associated with the third party."</p> <ul style="list-style-type: none"> <li>The proposed legislation should convey rulemaking authority to the ATC commissioner for the purpose of enforcing the provisions of proposed legislation.</li> </ul>			<ul style="list-style-type: none"> <li>Requiring delivery records to be retained for 3 years, for the purpose of review and inspection by law enforcement.</li> <li>Restricting deliveries to a residence or business.</li> <li>Requiring alcohol to be transported in factory-sealed or tamper resistant containers.</li> </ul>

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Patrick Mockler		Product would ideally be brought to consumers by a retail licensee in a licensee's vehicle by an employee of licensee.	It is important to require that the delivery of beverage alcohol only be made by a licensee with the Louisiana Alcohol Tobacco Control, as required by state law.				<p>Because beverage alcohol shipping and delivery laws are routinely challenged, this suggestion contains "level down" provisions. States benefit by providing clarity through level down provisions, their intent to protect their authority under the 21st Amendment to determine how beverage alcohol will be distributed and sold in their state.</p> <p>Level down provisions explicitly define legislative intent to regulate alcohol in a way that provides active state control of the system, ensuring that decisions regarding alcohol are made by elected officials, and regulators with legislative oversight, as intended by the</p>



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							21st Amendment, rather than by court interpretation or fiat.
LA Oil Marketers and Convenience Store Association	Yes	<p>Third party delivery companies should have to meet the same training standards that retailers must meet:</p> <ul style="list-style-type: none"> <li>• drivers should be Responsible Vendor certified</li> <li>• company should have liability insurance</li> <li>• company should be able to monitor routes of employees</li> <li>• company should be responsible for sales tax collection and remittance</li> </ul> <p>Retailers should have the option of both making deliveries directly or by contracting with a third party provider.</p>				Legislation should not restrict the delivery radius.	Food purchase should not be a requirement for alcohol deliveries.