

State of Louisiana
Office of Alcohol and Tobacco Control

Jeff Landry
GOVERNOR



Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

ATC-ALCOHOL DELIVERY (OFF PREMISE CONSUMPTION) APPLICATION

In accordance with La. R.S. 26:153 & 26:271.2, “delivery” of alcoholic beverages are allowed by certain alcohol retail dealers or a third party through the alcoholic establishment of certain alcohol beverage permits. Delivery of alcoholic beverages is prohibited unless expressly approved by the commissioner upon issuance of an alcoholic beverage delivery permit.

PERMIT FEE

Attached Retailer Delivery Permit: \$250.00

REQUIREMENT – See La. R.S. 26:153, 26:271.2, 26.274A, and 26:309.

- 1) Possess a valid and current Class B permit as defined in R.S. 26:2(19) or possess a valid and current permit that allows the retailer to sell alcoholic beverages for off-premise consumption.
- 2) If contracting a third-party delivery service or company to deliver on behalf of permittee, possess a written agreement that meets the requirement set forth in R.S. 26:309.

DEFINITIONS – See La. R.S. 26:2 and 26:271.2.

“**Delivery**” means a delivery of an alcoholic beverage by a liquor retailer permitted pursuant to R.S. 26L71A(3)(b) or by a retailer permitted to sell alcoholic beverages for off premise consumption and their employees. See La. R.S. 26:2(7)

“**Liquor Retailer**” means any dealer, other than a manufacturer or wholesaler, who sells, offers for sale, exposes for sale, or has in his possession for sale or distribution any alcoholic beverages in any quantity. See La. R.S. 26:2(13) & 26:153.

“**Package house Class B**” means any place consisting of no less than five hundred square feet of public habitable area which sells alcoholic beverages factory sealed containers for transportation and consumption off the premises and where no person is allowed to tamper with or otherwise disrupt the manufacturer’s seal on or about the premise. See La. R.S. 26:2(19).

“**Third Party**” means an independent technology company that operates a website or consumer application on which the independent liquor retailers market their products. Such third-party company shall not deal, handle, sell, offer for sale, or possess for sale alcoholic beverages or process payments for the sale of alcoholic beverages.

“**Third Party Delivery Service or Company**” means for the purpose of R.S. 26:309, a third party delivery service that is licensed to do business in the state of Louisiana, permitted with the Louisiana Office of Alcohol and Tobacco Control, and uses their own W-2 employees for delivery and who has entered into a written agreement with a retail dealer for the delivery of alcoholic beverages and said agreement meets all the requirements as set forth by law.

DELIVERY ORDERS – See La. R.S. 26:309G; 26:153A(11) and 26:307A(11)

- 1) Permittee or an employee of permittee shall assemble, package, or fulfill each order at the permittee’s premises that accepted the order.
- 2) Only alcoholic beverages purchased from a licensed wholesale dealer may be offered for delivery.
- 3) Permittee shall manage and control the sale of alcoholic beverages.
- 4) Permittee shall determine the alcoholic beverages to be offered for sale through a third-party technology company, application, platform, or other similar technology.
- 5) Permittee shall determine the price at which alcoholic beverages are offered for sale or sold through the independent technology platform.
- 6) Permittee shall have control in determining whether to accept or reject any order placed for alcoholic beverages through the independent technology platform or if delivered by third party delivery service.
- 7) Permittee shall be responsible to collect and remit all applicable state and local taxes.

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EMPLOYEES – DELIVERY “DRIVER” – See La. R.S.26:309C(11)

- 1) Employees (“Delivery driver”) must be eighteen (18) years of age or older.
- 2) Permittee must file an IRS W-2 form for employee who delivers. Independent contractors or 1099 employees are prohibited.
- 3) Employee must possess a valid server permit as provided for in R.S. 26:931 et. seq.
- 4) Upon rejection of any order at the time of delivery, employee shall return all orders to permittee’s place of business.

ALCOHOL DELIVERY RECORDS - See La. R.S. 26:309G; 26:153A(11) and 26:307A(11)

All delivery orders receipt or invoices shall contain the following information:

- 1) The retail dealer’s name, address, and permit number.
- 2) The name of the person who placed the order and the date, time, and method of order.
- 3) The name of the delivery agent and the date, time, and address of the delivery
- 4) The type, brand, and quantity of each alcoholic beverage delivered.
- 5) The name, date of birth, and signature of the person who received the delivery.

PROHIBITED ACTS – See La. R.S. 26:307 & 26:309.

- Prohibition of delivery to any address located on a campus of any college, university, or elementary or secondary schools.
- Prohibition of delivery to any public playground or building used primarily as a church, synagogue, public library, or school.
- Prohibition of delivery outside hours the permittee is opened to the public.
- Prohibition of delivery outside hours or days permittee is authorized to operate.
- Prohibition of delivery in an area where the sale of alcoholic beverages is prohibited by referendum vote.
- Prohibition of delivery to an intoxicated person.
- Prohibition of delivery to a person if there is reason to doubt the authenticity or correctness of recipient’s identification.
- Prohibition of delivery to recipient who refuses to sign receipt for the delivery.
- Prohibition of delivery any alcoholic beverage other than those contained in the original manufacturer’s sealed containers.
- Prohibition of delivery any alcoholic beverage in “open containers” as defined in R.S. 32:300.
- Prohibition of delivery by permittee’s own employee past the boundaries of the parish where permittee’s establishment is located.
- Prohibition of delivery by a third-party delivery service beyond a ten (10) miles radius from permittee’s establishment.
- Prohibition of delivery any orders containing alcohol without food or other non-alcoholic products subject to rules and regulations.
- Prohibition to employ any person under the age of eighteen (18) to delivery orders containing alcoholic beverages on behalf of business.
- Prohibition to employ any person as an independent contractor or file a 1099 to any person to deliver orders containing alcoholic beverages on behalf of business.

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Management Information		
13) Is applicant's business to be conducted wholly or partly by one or more managers, agents, or other representatives? If YES, complete below and manager must submit a completed Schedule A/F (SCH A) if applicable and attach a colored copy of manager's driver's license. Submission not required if previously submitted.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Manager's Full Name	Title	
ALCOHOL DELIVERY BUSINESS MODEL		
14) List the Type of alcoholic beverages applicant intends to deliver. <input type="checkbox"/> Wine <input type="checkbox"/> Liquor/Spirits <input type="checkbox"/> Beer/Malt Beverages ABV 5% or Less <input type="checkbox"/> Beer/Malt beverages ABV >5%		
15) Does Applicant understand that any orders containing alcoholic beverages are delivered for personal consumption only and not for resale purposes?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
16) Does Applicant utilize or intend to utilize an independent technology company to operate permittee's website or consumer application for the purpose of soliciting delivery orders? If YES, provide name of third party and/or website or application name. Name of Independent technology company: _____ Website or Name of Application or Platform: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>
17) Does Applicant understand that any delivery order transacted electronically through an independent technology company must be automatically directed at permittee such that the permittee appears as the retail dealer at the time of purchase and on the receipt?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
18) Does Applicant contract with or intend to contract with a third-party delivery provider to deliver food and alcoholic beverages on behalf of retailer? Name of Third-Party Delivery Service Company: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>
19) Does Applicant understand that if permittee contracts with a third-party delivery service to deliver on behalf of permittee, it shall be required to enter into a written agreement that meets the requirements in La R.S. 26:309?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
20) Does Applicant understand that permittee shall be required to maintain ultimate control and responsibility over the sales transaction and transfer of physical possession of the alcoholic beverages at all times and shall retain sole discretion to determine whether to accept and complete an order or reject it?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
21) Does Applicant understand that retail dealer shall maintain independence to determine which alcoholic beverages are made available through electronic means for delivery purposes and shall independently set the price of such products?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
22) Does Applicant understand that each delivery order shall be required to be assembled, packaged, and fulfilled at applicant's permitted premise where the order is processed using inventory obtained through an authorized licensed wholesaler and located at the premises at the time of purchase?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
23) Does Applicant intend to utilize a real time age verification system for the purpose of identifying the recipient at the time of delivery? If YES, provide the brand, type and model number. Brand Name, Type and/or Model Number: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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TYPES OF ALCOHOLIC BEVERAGES		
24) Does Applicant understand that business shall only be permitted to delivery manufacturer sealed alcoholic beverages? See definition as defines in La. R.S. 26:2 and La. R.S. 26:241?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
25) Does Applicant understand that delivery of an "open alcoholic beverage container" as defined in La. R.S. 32:300 is prohibited?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
DELIVERY BOUNDARIES		
26) Does Applicant understand delivery of alcoholic beverages shall be permitted only during the days and hours the permittee's establishment is open to the public and authorized to sell or serve alcoholic beverages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
27) Does Applicant understand delivery of alcoholic beverages is permitted only in those areas where the retail sale of alcoholic beverages is permitted and shall be prohibited in any area where it is prohibited by the local governing authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
28) Does Applicant understand permittee shall be prohibited to deliver outside the boundaries of the parish where the retailer's permitted establishment is located and/or past ten (10) miles past the place of business if delivered by third party delivery service?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
29) Does Applicant understand permittee shall be prohibited to deliver alcoholic beverages to an address on a campus of any state college, university, or technical college or institute, any independent college or university, or any elementary or secondary school located in this state?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
30) Does Applicant understand permittee shall be prohibited to deliver to any public playground or building used primarily as a church, synagogue, public library or school?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
DELIVERY: EMPLOYEE AND RESPONSIBILTIIY		
31) Does Applicant understand only W-2 employees are permitted to deliver on behalf of business?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
32) Does Applicant understand W-2 employee(s) delivering on behalf of business must be eighteen (18) years of age or older?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
33) Does Applicant understand retailers and its employees are prohibited to deliver alcoholic beverages to any recipient appearing intoxicated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
34) Does Applicant understand prior to completing delivery orders, retailer or its employees must verify the identity and age of the person accepting delivery of the order by validating a state issued photo identification of the person or through use of a real time age verification system authorized by the commissioner?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
DELIVERY: EMPLOYEE AND RESPONSIBILTIIY		
35) Does Applicant understand permittee and its employee shall refuse to complete a delivery order if there is reason to doubt the authenticity or correctness of the recipient's identity?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
36) Does Applicant understand permittee and its employee(s) shall refuse to complete a delivery order if recipient refuses to sign for the receipt of the delivery?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
37) Does Applicant understand all delivery employees must possess a valid server permit as provided in La. R.S. 26:931 et seq. prior to engaging or completing the delivery of alcoholic beverages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
38) Does Applicant understand retailer shall be required to maintain a record of all deliveries of alcoholic beverages for up to three (3) years from the date of delivery?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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DELIVERY RECORDS			
	39) Does Applicant understand retail dealer shall be required to make such records available to the ATC upon request?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	40) Does Applicant understand all delivery records shall contain retail dealer's name, address, permit number?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	41) Does Applicant understand all delivery records shall contain the name of person who placed the order, the date, time, and method of order?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	42) Does Applicant understand all delivery records shall contain the name of the employee making the delivery, the date, time and address of the delivery?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	43) Does Applicant understand all delivery records shall contain the type, brand, and quantity of each alcoholic beverage delivered?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	44) Does Applicant understand all delivery records shall contain the name, date of birth, and signature of the person that received the delivery?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
APPLICATION FEE			
<input type="checkbox"/> CLASS D – ATTACHED DELIVERY PERMIT - \$250.00 Application fees may be paid with a personal or business check, cashier check, money order, or credit card Application fees are non-refundable upon submission to the ATC.			
AFFIDAVIT AND SIGNATURE			
IF APPLICANT IS:		MUST SIGN APPLICATION:	
WARNING & SIGNATURE	Individual /Sole Proprietor	Individual Owner	
	Partnership	Any Partner	
	Limited Liability Company (LLC)	Managing member, member, officer, director	
	Corporation	Officer, Director	
Notary			
BY SIGNING BELOW, YOU ARE SWEARING, UNDER OATH, that you have read each of the questions in this application and that all answers are true and correct to the best of your knowledge, that you meet all the qualifications and conditions as set forth under La. R.S. 26:80 and 26:280; that you have read and certify you understand permittee's responsibility to comply with the laws and regulations as set forth in Title 26 and Louisiana Administrative Code. For additional information, see www.atc.la.gov .			
_____ Signature		_____ Title	
_____ Print/Type Your Name			
Notary			
For NOTARY Use Only			
Sworn to and subscribed to me this _____ day of _____, 20_____,			
In the parish/county of _____, State of _____,			
_____ Notary Public's Signature		_____ Print Name of Notary Public	
Office Use Only	Permit Number	Processed by & Date	Issued by and Date