

State of Louisiana
Office of Alcohol and Tobacco Control

Jeff Landry
GOVERNOR



Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

**IMPORTANT INFORMATION RELATED TO
THIRD PARTY DELIVERY SERVICE**

“Delivery” of alcoholic beverages is allowed by certain alcohol retail dealers or a third-party delivery service through the alcoholic establishment of certain alcohol beverage retailers. Engaging in the delivery of alcoholic beverages is prohibited unless expressly approved by the commissioner upon issuance of an alcoholic beverage delivery permit. See La. R.S. 26:153 & 26:271.2.

PERMIT FEE - See La. R.S. 26:271.4

3rd Party Retail Delivery Permit: \$1500.00

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

- 1) Possess a written agreement that meets the requirements set forth in R.S. 26:309.
- 2) Applicant is properly registered with the Louisiana Secretary of State and authorized to do business in Louisiana.
- 3) Applicant maintains a general liability insurance policy of \$1,000,000 with liquor liability endorsement.
- 4) Applicant has capability to monitor routes of its employees during delivery.
- 5) Applicant must utilize a real time age verification system or similar that shall record and maintain specific information by law for every order containing alcoholic beverages delivered.
- 6) Applicant shall obtain a Louisiana Tax certificate issued by the Louisiana Department of Revenue.

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

“**Delivery**” means enabling the delivery of restaurant prepared food and alcohol with its permittee’s employee(s) or through a third-party delivery service that retail dealer entered into a written contract in accordance with La. R.S. 26:309 for the delivery of alcoholic beverages.

“**Restaurant establishment**” means an establishment: (1) which operates a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds 50% of its total average monthly revenue from the sale of food, alcohol, and non-alcoholic beverages; (2) serves food on all days of operation; (3) maintains separate sales figures for alcoholic beverages; and (4) maintains 500 square feet of public habitable space.

“**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.

“**Third Party platform**” means a third-party service that is licensed to do business in the state of Louisiana that performs work with its own employees or agents for which the platform is required to file an Internal Service Form W-2 or 1099.

State of Louisiana
Office of Alcohol and Tobacco Control



Jeff Landry
GOVERNOR

Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

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

- 1) All delivery orders containing alcoholic beverages shall contain food.
- 2) Retailer shall assemble, package, or fulfill each order at the retailer's premises that accepted the order.
- 3) Only alcoholic beverages purchased from a licensed wholesale dealer and on stock at retailer's location may be offered for delivery.
- 4) Retailer shall manage and control the sale of alcoholic beverages.
- 5) Retailer shall determine the alcoholic beverages to be offered for sale through a third-party technology company, application, platform, or other similar technology or third-party delivery service.
- 6) Retailer shall determine the price at which alcoholic beverages are offered for sale or sold through the independent technology platform or delivery service. Third Party Companies are prohibited to markup prices of alcohol. Price offered at retailer shall be equal to the price offered for delivery purposes.
- 7) Third Party Delivery Companies are prohibited to sell or resale alcoholic beverages.
- 8) Retailer 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.
- 9) Retailer shall be responsible to collect and remit all applicable state and local taxes.

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

- 10) W-2 Employees or 1099 contractors ("employee") must be twenty-one (21) years of age or older.
- 11) Retailer or Third-Party Delivery Company must file an IRS W-2 or 1099 form for employee who delivers.
- 12) Employee must possess a valid server permit as provided for in R.S. 26:931 et. seq.
- 13) Upon rejection of any order at the time of delivery, employee shall return all orders to retailer's place of business.
- 14) Employee must refuse delivery if recipient appears intoxicated, refuses to sign orders, or refuses to produce an identification card or doubts the authenticity or correctness of recipient's identification.
- 15) Employee is required to utilize an identification scanner for every order containing alcoholic beverages.

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

All delivery orders, receipts 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.

WRITTEN AGREEMENT REQUIREMENTS (La. R.S. 26:308)

- 1) The retail dealer shall manage and control the sale of alcoholic beverages.
- 2) The retail dealer shall determine the alcoholic beverages to be offered for sale through a 3rd party's internet or mobile application platform or similar technology.
- 3) The retail dealer shall determine the price at which alcoholic beverages are offered for sale or sold through a 3rd party's internet or mobile application platform or similar technology.
- 4) The retail dealer shall determine whether to accept or reject all orders placed for alcoholic beverages through a 3rd party's internet or mobile application platform or similar technology.

State of Louisiana
Office of Alcohol and Tobacco Control



Jeff Landry
GOVERNOR

Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

PROHIBITED ACTS – See La. R.S. 26:153; 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 shall not extend past the boundaries of the parish where the retailer’s permitted establishment is located and shall be made only to a residential or commercial address. Third party delivery radius shall be determined by the parish population. For any parish having a population of less than one hundred thousand (100,000) according to the latest federal decennial census, no alcoholic beverages shall be delivered more than twenty-five (25) miles from the place of purchase. For any parish having a population of greater than one hundred thousand (100,000) according to the latest federal decennial census, no alcoholic beverages shall be delivered more than ten (10) miles from the place of purchase.
- Prohibition of delivery any orders containing alcohol without food subject to rules and regulations.
- Prohibition to employ any person under the age of twenty-one (21) to delivery orders containing alcoholic beverages.

INSTRUCTIONS: This checklist should be utilized to assist applicants with filing all required documents for third party delivery or platform permit. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be legibly printed.

APPLICATION FEES ARE NONREFUNDABLE

All the following documents must be completed and submitted to the ATC.

<input type="checkbox"/>	Submit a completed Third-Party Delivery Application. Incomplete application will delay the process and may result in a denial. <ul style="list-style-type: none"> • All questions must be fully completed.
<input type="checkbox"/>	Submit a copy of applicant’s Corporate Documents and supplemental documents. (Charter, Article of Incorporations, Operation Agreement, Management agreement etc.)
<input type="checkbox"/>	Note: Corporate documents and registration with Louisiana Secretary of State must match, unless otherwise approved.
<input type="checkbox"/>	Submit a completed Schedule A/F form for each owner, director, member, partner, and any person, stockholder, or shareholder.
<input type="checkbox"/>	Submit a colored copy of each person’s driver’s license of each person completing a Schedule
<input type="checkbox"/>	Submit Background Check Authorization Form for each person completing a Schedule A/F from. Each person must authorize criminal record check at https://uenroll.identogo.com/ .
<input type="checkbox"/>	Submit proof of registration with the Louisiana Secretary of State.
<input type="checkbox"/>	Submit a copy of Applicant’s General Liability Insurance Policy.
<input type="checkbox"/>	Submit proof of real-time age verification identification scanner/system that will be utilized by Applicant for use of delivery.
<input type="checkbox"/>	Submit all applicable fees. Application fees are \$1500.00. Note: Delivery Permits expiration dates are based on Parish.

Louisiana Office of Alcohol and Tobacco Control
7979 Independence Blvd., Suite 101 • Baton Rouge, Louisiana 70896-6404
Telephone (225) 925-4041
www.atc.la.gov

State of Louisiana
Office of Alcohol and Tobacco Control



Jeff Landry
GOVERNOR

Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

NOTE:

THIRD PARTY DELIVERY COMPLY OR PLATFORM MAY ONLY DELIVER ON BEHALF OF OTHER LICENSED RETAILER UPON WRITTEN AGREEMENT. BUSINESS SHALL BE REQUIRED TO SUBMIT A LIST OF ALL RETAILERS WHOM BUSINESS ENTERED INTO A WRITTEN AGREEMENT TO DELIVER WITHIN NINETY (90) DAYS OF ISSUANCE OF PERMIT.

For more information, please visit www.atc.la.gov or contact us at (225) 925-4041

NOTICE TO APPLICANTS: Misstatement or suppression of material facts in this application is GROUNDS FOR DENIAL of this permit. Additionally, filing false public records is a violation of Louisiana Revised Statute 14:133 and may result in imprisonment for not more than (5) years with or without hard labor and/or fines of not more than \$5,000.

LOCATION INFORMATION			
1) Type of Ownership:			
2) Owner/Entity Legal Name: (Name of individual, partnership, LLC, or Corporation):			
3) Trade Name (D/B/A):			
4) Location/Physical Address:			
Street:			
City:	State:	Zip:	
5) Parish:			
6) Mailing Address: Same as Physical <input type="checkbox"/>			
Street:			
City:	State:	Zip:	
7) Website:		8) Primary Email Address:	
9) Business Contact Number:			Cell <input type="checkbox"/>
10) Federal Employee Identification Number (FEIN):			Business <input type="checkbox"/>
11) Louisiana State Identification Number:			
12) Does Business consent to receive ATC communications, administrative notices, and/or administrative decisions in electronic format via email?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If YES, provide email:			
OWNERSHIP INFORMATION			
Type of Ownership: If the applicant is not an individual (sole proprietorship), list the name, title, and percentage of ownership of each person. All partners, stockholders, officers, directors, members, and/or any stockholder or shareholder owning more than 5% must submit suitability documents including Schedule A/F, and Background Check Authorization Form. * Each person listed above shall be required to submit completed suitability documents and a colored copied of his/her driver's license. *			
Name of Individual & Affiliation:	SSN	Type of interest**	% of ownership:

State of Louisiana
Office of Alcohol and Tobacco Control



Jeff Landry
GOVERNOR

Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

If the applicant is not an individual (sole proprietorship), list the name, title, and percentage of ownership of each person. All partners, stockholders, officers, directors, members, and/or any stockholder or shareholder owning more than 5% must submit suitability documents including Schedule A/F, and Background Check Authorization Form. *Each person listed above shall be required to submit completed suitability documents and a colored copied of his/her driver's license.

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 (Form SCHA1) attach a colored copy of manager's driver's license.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
MANAGER'S FULL NAME	Title	
GENERAL INFORMATION		
14) Has Applicant entered into or intend to enter into an alcoholic beverage delivery agreement with a licensed alcoholic beverage retail dealer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
15) Does Applicant understand that business shall be required to submit within ninety (90) days of issuance of its permit a list of all retail businesses that Applicant has entered into a written agreement to deliver alcoholic beverages for? Said list shall include name of retailer and address of retailer including parish where business is located.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
16) Does Applicant maintain a general liability insurance policy with a liquor liability endorsement in an amount of no less than one million dollars per occurrence for the duration of the agreement with the retail dealer and shall provide proof of coverage to the retail dealer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
17) Does Applicant understand that any orders containing alcoholic beverages shall be delivered for personal consumption only and not for resale purposes?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
18) Does Applicant understand that retail dealer shall be required to maintain ultimate control and responsibility over the sales transaction and transfer of physical possession of the alcoholic beverages at all time 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"/>
19) Does Applicant understand that a Third-Party Delivery Company is prohibited to mark-up alcoholic beverage prices?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
20) Does Applicant understand that a Third Party may not sell or resell alcoholic beverages?	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 delivery orders shall be required to be assembled, packaged, and fulfilled at retail dealer's permitted premises where the order is processed and only with use of inventory located at the retailer's premises?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

State of Louisiana
Office of Alcohol and Tobacco Control



Jeff Landry
GOVERNOR

Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

TYPES OF BEVERAGES		
23) Does Applicant understand that business shall only be permitted to deliver manufacturer sealed alcoholic beverages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
24) 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"/>
25) Does Applicant understand that only alcoholic beverages, as defined by R.S. 26:2 and 241(1)(a) may be offered for delivery from the licenses premises of a packaged house Class B permit holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
26) Does Applicant understand that only beer, malt beverages or wine as defined by R.S. 26:2(1) and 241 may be offered for delivery from the licenses premises of a restaurant (Class AR) permit holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
27) Does Applicant understand that food must be delivered with all delivery orders containing alcoholic beverages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
DELIVERY BOUNDARIES		
28) Does Applicant understand that delivery of alcoholic beverages shall be permitted only during the days and hours the authorized retailer's permitted establishment is open to the public and authorized to sell or serve alcoholic beverages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
29) Does Applicant understand that 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 referendum?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
30) Does Applicant understand that permittee may only deliver within twenty-five (25) miles from the place of business located within a parish having a population of less than one hundred thousand (100,000) according to the latest federal decennial census?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
31) Does Applicant understand that permittee may only deliver within ten (10) miles from the place of business located within a parish having a population of more than one hundred thousand (100,000) according to the latest federal decennial census?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
32) Does Applicant understand that 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"/>
33) Does Applicant understand that 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 RESPONSIBILITY		
34) Please select the type of delivery drivers.	W-2 <input type="checkbox"/>	1099 <input type="checkbox"/>
35) Does Applicant understand all delivery drivers fulfilling orders containing alcoholic beverages must be twenty- one (21) years of age or older?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
36) Does Applicant understand that permittee shall be required to conduct an interview and background check of all persons that will deliver alcoholic beverages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
37) Does Applicant understand that permittee shall be required to monitor the route of its employees during delivery of alcoholic beverages?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

State of Louisiana
Office of Alcohol and Tobacco Control



Jeff Landry
GOVERNOR

Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

DELIVERY: EMPLOYEE AND RESPONSIBILITY - CONTINUED		
38) Does Applicant understand that permittee and its employees are prohibited to deliver alcoholic beverages to any recipient appearing intoxicated?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
39) Does Applicant understand that prior to completing any delivery orders, permittee, employees, or agents must verify the identity and age of the person accepting delivery of the order by validating a state issued photo identification of the person through use of a real time age verification system authorized by the commissioner?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
40) Does Applicant's understand that business is required to maintain and utilize a real time age verification system that contains a magnetic card reader or an alternative technology capable of verifying proof of age for all delivery orders containing alcoholic beverage? Please provide brand and type of real time age verification system. Provide Brand or Model Number and Type of ID Scanner:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
41) Does Applicant understand that permittee and its employee shall be required to 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"/>
42) Does Applicant understand that 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"/>
43) Does Applicant understand that 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"/>
DELIVERY RECORDS		
44) Does Applicant understand that 3rd party shall be required to maintain a record of all deliveries of alcoholic beverages for up to three (3) years from the date of delivery and shall be made available to the ATC upon request?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
45) Does Applicant understand that all delivery records shall contain retail dealer's name, address, and permit number?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
46) Does Applicant understand that all delivery records shall contain the name of person who placed the order, as well as the date, time, and method of order?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
47) Does Applicant understand that all delivery records shall contain the name of the employee making the delivery, as well as the date, time and address of the delivery?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
48) Does Applicant understand that all delivery records shall contain the type, brand, and quantity of each alcoholic beverage delivered?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
49) Does Applicant understand that 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"/>

State of Louisiana
Office of Alcohol and Tobacco Control



Jeff Landry
GOVERNOR

Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

APPLICATION FOR THIRD PARTY ALCOHOL DELIVERY PERMIT

APPLICATION FEE

CLASS D – THIRD PARTY PROVIDER OR PLATFORM - \$1,500.00 PER YEAR

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.

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	

AFFIDAVIT AND SIGNATURE

WARNING & SIGNATURE: Applications may only be signed by an authorized person. Applications signed by an unauthorized person may result in denial of application.

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 for third party delivery applicants. By submitting this signed application, you are certifying that you understand your obligations and responsibility as a licensee as set forth under Louisiana law. That you have read and understand the laws and regulations related to alcohol delivery and that you have a continuing duty to stay up to date as to any new or amended laws or rules and regulations promulgated in accordance with the law. 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	Job Number	Process by & Date:	Approval by & Date: