

2020 Regular Session

SENATE BILL NO. 420

BY SENATOR JOHNS

ALCOHOLIC BEVERAGES. Provides relative to ATC permitting licenses with multiple outlets. (8/1/20)

1 AN ACT

2 To enact R.S. 26:794.1, relative to the office of alcohol and tobacco control permitting

3 licenses; to provide for exception from separate permits to certain establishments;

4 to provide for qualifications; to provide for limitations; and to provide for related

5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:794.1 is hereby enacted to read as follows:

8 **§ 794.1. Permit exemption for hotel and lodging establishments**

9 **A. Notwithstanding any other provision of law to the contrary, an**

10 **applicant may be issued a hotel or lodging exemption permit, hereinafter**

11 **referred to as the "permit," for any establishment which consists of sleeping**

12 **rooms, cottages, or cabins and meets the provisions of this Section.**

13 **B. Qualifications. (1) The applicant shall:**

14 **(a) Meet all requirements of R.S. 26:80 and R.S. 26:280.**

15 **(b) Pay all fees for a Class A-General permit as required by R.S. 26:71**

16 **and R.S. 26:271.**

17 **(c) Comply with the provisions of R.S. 26:77 and R.S. 26:277.**

1           (d) Acquire, prior to operation, any local alcoholic beverage permit as  
2           required by R.S. 26:74 and R.S. 26:274 and applicant shall obtain written  
3           approval from the local governing official to operate as a hotel or lodging  
4           establishment.

5           (2) The premises shall:

6           (a) Have a public habitable floor area of no less than five hundred square  
7           feet dedicated to the exclusive use of the applicant's business.

8           (b) Have a restaurant or a dining area that the primary function is to  
9           take orders for and serve food and food items and where alcoholic beverages  
10          may be served in conjunction with meals for on premise consumption.

11          (c) Be equipped with a permanent wet bar equipped with a nonmovable  
12          sink and a backbar or similar equipment for public display and to inform the  
13          public of brands and flavors offered for sale.

14          (d) Be in compliance with all state and local building, fire, health, and  
15          other applicable statutes and ordinances.

16          (3) (a) The applicant shall:

17          (i) Sell food in the designated dining area on all days of operation.

18          (ii) Only sell and offer for sale packaged alcoholic beverages from the  
19          designated area, as indicated in application. Applicant may offer  
20          complimentary alcoholic beverages to anyone occupying its sleeping rooms,  
21          cottages, or cabins.

22          (iii) Solely control all alcohol sold and served.

23          (iv) Maintain control of the sale and service of all alcoholic beverages  
24          under the permit and the proceeds from the sale of alcohol may not be shared,  
25          whether directly or indirectly, with any third person not listed on the  
26          application filed with the office of alcohol and tobacco control.

27          (4) If applicant fails to purchase alcoholic beverages for more than six  
28          months, applicant shall be required to surrender any and all state alcoholic  
29          beverage permits issued to the office of alcohol and tobacco control.



exemption for hotel and lodging establishments (permit) for any establishment which consists of sleeping rooms, cottages, or cabins.

Proposed law provides that certain qualifications be met.

Proposed law requires that the applicant shall:

- (1) Meet all requirements of present law (R.S. 26:80 and R.S. 26:280).
- (2) Pay all fees for a Class A-General permit as required by present law (R.S. 26:71 and R.S. 26:271).
- (3) Comply with the provisions of present law (R.S. 26:77 and R.S. 26:277).
- (4) Acquire, prior to operation, any local alcoholic beverage permit as required by present law (R.S. 26:74 and R.S. 26:274) and applicant shall obtain written approval from the local governing official to operate as a hotel or lodging establishment.

Proposed law requires certain qualifications of the location:

- (1) The location must have a public habitable floor area of no less than 500 square feet dedicated to the exclusive use of the applicant's business.
- (2) The restaurant or the dining area primary function is to take orders for and serve food and food items and where alcoholic beverages may be served in conjunction with meals for on premise consumption.
- (3) The location must be equipped with a permanent wet bar equipped with a nonmovable sink and a backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale.
- (4) The location must be in compliance with all state and local building, fire, health, and other applicable statutes and ordinances.

Proposed law requires certain qualifications of the operation:

- (1) Applicant must sell food in the designated dining area on all days of operation.
- (2) Applicant may only sell and offer for sale packaged alcoholic beverages from the designated area, as indicated in application. Applicant may offer complimentary alcoholic beverages to anyone occupying its sleeping rooms, cottages, or cabins.
- (3) All alcohol sold and served must be solely controlled by applicant.
- (4) Applicant must maintain control of the sale and service of all alcoholic beverages under this permit and the proceeds from the sale of alcohol may not be shared, whether directly or indirectly, with any third person not listed on the application filed with the office of alcohol and tobacco control.

Proposed law provides that if the applicant fails to purchase alcoholic beverages for more than six months, applicant shall be required to surrender any and all state alcoholic beverage permits issued to the office of alcohol and tobacco control.

Proposed law provides that samplings may be conducted in accordance with the site sampling regulations.

Proposed law provides that all employees who sell or serve alcohol must be certified in accordance with the Louisiana Responsible Vendor Program prior to being employed by

the location.

Proposed law requires that the applicant to fully review and comply with all other provisions of present law (Title 26 of the Louisiana Revised Statutes of 1950, and Title 55 of the Louisiana Administrative Code).

Proposed law provides that the permit shall not:

- (1) Be utilized in lieu of a special event permit.
- (2) Exempt applicant from prior approval from any festivals and public events.
- (3) Be used as a prerequisite to apply for a license for video poker machines.
- (4) Apply to any change of ownership of the business, including changes to the owner of applicant, whether in whole or in part. Any such change shall cause this exception permit to be void.

Proposed law provides that an applicant shall submit written attestation, under penalty of perjury of all affiliated partners, members, officers, director, and shareholders that the provisions of proposed law have been met.

Proposed law provides that the applicant shall submit a notarized certification of eligibility in accordance with proposed law on a form provided by the office of alcohol and tobacco control.

Effective August 1, 2020.

(Adds R.S. 26:794.1)