

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

---

SB 194 Engrossed

DIGEST  
2023 Regular Session

Mizell

Present law provides for the powers and duties of the office of alcohol and tobacco control (office), including the issuance of Class A retail liquor permits for high or low alcoholic content.

Present law provides for three types of Class A retail liquor permits: Class A-General, Class A-Restaurant, and Class A-Special.

Present law provides that a Class A-General retail permit is issued only to a retail outlet where alcohol is sold on the premises for consumption on the premises by paying customers and that meets other requirements provided by present law. Provides that a Class A-General retail permit must be issued only to an establishment where the state law provides that no person under the age of 18 is allowed on the premises. Makes an exception for a minor to be present at the establishment provided the minor is a musician who performs in a band at the establishment under written contract with the permit holder and is under the direct supervision of his parent or guardian.

Proposed law retains present law.

Present law provides for prohibited acts of permit holders, including allowing the sale or service of alcohol to a person under the age of 21 and permitting a person under the age of 18 to work at an establishment where the sale of alcoholic beverages constitutes its main business.

Proposed law retains present law and adds that a Class A-General permit holder shall not allow any person under the age of 18 to enter the establishment, except for a musician under the supervision of his parent or guardian. Requires any person attempting to enter the establishment submit a form of identification allowed under present law.

Present law authorizes the commissioner, in lieu of or in addition to revocation or suspension of a permit issued by the commissioner, to impose fines according to a schedule. Present law fines apply to both high and low alcoholic content.

Proposed law retains present law and provides for increased civil fines if a permit holder serves or sells alcohol to any person under the age of 21 as follows:

- (1) A first offense, not less than \$1,000 but not more than \$5,000.
- (2) A second offense that occurs within six years of the first offense, not less than \$5,000 but not more than \$10,000.
- (3) A third offense that occurs within six years of the third offense, not less than \$10,000 but not

more than \$15,000.

Proposed law provides that upon a first violation of serving or selling to any person under the age of 21, the commissioner shall require the Class A-General retail permit holder to verify the age of each person entering the establishment through an age verification system authorized by the commissioner. Requires the use of an age verification system if an order or agreement is entered in lieu of an administrative hearing. Provides that one-half of fines collected in accordance with proposed law be used solely for enforcement.

Proposed law provides that any person under the age of 21 who is sold or served intoxicating beverages by a person holding a Class A-General permit shall have a right of action against the permit holder for any injury or damages suffered due to his intoxication. Provides that the right of action extends to the person's estate, successors, or survivors.

Proposed law provides that a person who sustains any injury or damages caused by a person under the age of 21 who is served intoxicating beverages by a person holding a Class A-General permit shall have a right of action against the permit holder for any injury or damages sustained due to the intoxication of the underage person to whom the beverages were sold. Provides that the right of action extends to the person's estate, successors, or survivors.

Proposed law provides the right of action authorized by proposed law shall be in addition to any other right of action otherwise provided by law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:333(B) and R.S. 26:96(A) and 292(A); adds R.S. 9:2800.1(F) and R.S. 26:90(17) and 286(A)(17))

### Summary of Amendments Adopted by Senate

#### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Removes provisions that prohibit any person under the age of 21 from entering a Class A-General permitted establishment.
2. Removes requirement that a bartender be at least 21.
3. Removes provision relative to the unlawful sales to persons under 21.
4. Removes provision relative to employment of minors.
4. Adds to the list of prohibited acts of permit holders of both high and low alcoholic content to include a person under the age of 18 shall not be allowed into a Class A-General permitted establishment.

5. Increases fines only with respect to a violation for serving or selling alcohol to any person under the age of 21.
6. Provides relative to a cause of action for certain persons against a Class A-General permit holder under certain circumstances.