

2024 Regular Session

SENATE BILL NO. 168

BY SENATOR MIZELL

ALCOHOLIC BEVERAGES. Provides for penalties for the sale or service of alcohol to any person under the age of twenty-one. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 14:333(B) and R.S. 26:96(A) and 292(A) and to enact R.S.
3 26:800.1, relative to alcoholic beverages; to provide for violations and penalties for
4 the sale or service of alcoholic beverages; to provide for penalties for
5 misrepresentation of age to obtain alcoholic beverages; to provide for annual reports
6 by the commission of the office of alcohol and tobacco control; to provide for terms
7 and conditions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:333(B) is hereby amended and reenacted to read as follows:

10 §333. Misrepresentation of age to obtain alcoholic beverages or gain entry to
11 licensed premises prohibited; penalties

12 * * *

13 B. Whoever violates the provisions of this Section shall be punishable by one
14 or more of the following:

15 (1) A fine of not more than ~~two~~ **five** hundred dollars.

16 (2) An appropriate amount of community service not to exceed ~~thirty~~ **sixty**
17 hours.

1 (3) Suspension of the violator's driver's license for ~~ninety~~ **one hundred**
2 **twenty** days.

3 * * *

4 Section 2. R.S. 26:96(A) and 292(A) are here by amended and reenacted and R.S.
5 26:800.1 are hereby enacted to read as follows:

6 §96. Revocation and suspensions not exclusive penalty

7 A.(1) Notwithstanding any other provision of this Chapter to the contrary, the
8 commissioner may, in lieu of or in addition to revocation or suspension of a permit
9 issued under the authority of this Chapter, impose the following schedule of fines to
10 be paid into the state treasury for:

11 (a) A first offense, not less than ~~fifty~~ **one hundred** dollars but not more than
12 ~~five hundred~~ **one thousand** dollars.

13 (b) A second offense that occurs within three years of the first offense, not
14 less than two hundred fifty dollars but not more than ~~one~~ **two** thousand dollars.

15 (c) A third offense that occurs within three years of the first offense, not less
16 than five hundred dollars but not more than ~~two~~ **five** thousand ~~five hundred~~ dollars.

17 **(2)(a) Notwithstanding the provisions of Paragraph (1) of this**
18 **Subsection, the commissioner may, in lieu of or in addition to revocation or**
19 **suspension of a permit issued under the authority of this Chapter, impose the**
20 **following schedule of fines to be paid to the state treasury for a violation of R.S.**
21 **26:90(A)(1):**

22 **(i) For a first offense not less than two hundred fifty dollars but not more**
23 **than two thousand five hundred dollars.**

24 **(ii) For a second offense that occurs within five years of the first offense**
25 **not less than five hundred dollars but not more than five thousand dollars.**

26 **(iii) For a third offense that occurs within five years of the first offense**
27 **not less than one thousand dollars but not more than ten thousand dollars.**

28 **(b) In addition to the fines imposed upon first offense of a violation of**
29 **R.S. 26:90(A)(1) pursuant to this Paragraph, the commissioner shall require for**

1 such violation the Class A-General retail permit holder to verify the age of each
2 person prior to the sale of an alcoholic beverage to the person through an
3 electronic age verification device approved by the commissioner.

4 ~~(2)~~**(3)** A retail dealer who is required pursuant to R.S. 15:541.1 to post
5 information regarding the National Human Trafficking Center hotline and fails to
6 post such information may be assessed a fine in accordance with the provisions of
7 this Section.

8 * * *

9 §292. Revocations and suspensions not exclusive penalty

10 A.**(1)** Notwithstanding any other provision of this Chapter to the contrary, the
11 commissioner may, in lieu of or in addition to revocation or suspension of a permit
12 issued under the authority of this Chapter, impose the following schedule of fines to
13 be paid into the state treasury for:

14 ~~(1)~~**(a)** The first offense, not less than \$50 **one hundred dollars** but not more
15 than \$500 **one thousand dollars**.

16 ~~(2)~~**(b)** The second offense, which occurs within three years of first offense,
17 not less than \$250 **two hundred fifty dollars** but not more than \$1,000 **two**
18 **thousand**; ~~and~~.

19 ~~(3)~~**(c)** The third offense, which occurs within three years of the first offense,
20 not less than \$500 **five hundred dollars** but not more than \$2,500 **five thousand**
21 **dollars**.

22 **(2)(a) Notwithstanding the provisions of Paragraph (1) of this**
23 **Subsection, the commissioner may, in lieu of or in addition to revocation or**
24 **suspension of a permit issued under the authority of this Chapter, impose the**
25 **following schedule of fines to be paid to the state treasury for a violation of R.S.**
26 **26:286(A)(1):**

27 **(i) For a first offense not less than two hundred fifty dollars but not more**
28 **than two thousand five hundred dollars.**

29 **(ii) For a second offense that occurs within five years of the first offense**

1 not less than five hundred dollars but not more than five thousand dollars.

2 (iii) For a third offense that occurs within five years of the first offense
3 not less than one thousand dollars but not more than ten thousand dollars.

4 (b) In addition to the fines imposed upon first offense of a violation of
5 R.S. 26:286(A)(1) pursuant to this Paragraph, the commissioner shall require
6 for such violation the Class A-General retail permit holder to verify the age of
7 each person prior to the sale of an alcoholic beverage to the person through an
8 electronic age verification device approved by the commissioner.

9 * * *

10 §800.1. Reports to the legislature; sale or service to underage persons

11 No later than February first of each year, the commissioner shall
12 prepare and submit a report concerning the sale or service of alcoholic
13 beverages to underage persons to the governor, the Senate Committee on
14 Judiciary B, the House Committee on Judiciary, and the David R. Poynter
15 Legislative Research Library as required by R.S. 24:771 and 772. The report
16 shall, at a minimum, include for the previous calendar year all of the following:

17 (1) The number of active retail alcoholic beverage permits, delineated by
18 permit type and parish.

19 (2) The number of alcoholic beverage compliance checks conducted
20 pursuant to R.S. 26:793(C), delineated by permit type and parish.

21 (3) The number of complaints received regarding the sale or service of
22 alcoholic beverages to underage persons, delineated by permit type and parish.

23 (4) The average number of days taken by the agency to investigate
24 complaints received regarding the sale or service of alcoholic beverages to
25 underage persons.

26 (5) The number of citations issued for violations of R.S. 26:90(A) and
27 286(A), delineated by permit type, parish, and offense.

28 (6) The number of permits that were suspended for violations of R.S.
29 26:90(A) or 286(A) or revoked for violations of R.S. 26:90(A) or 286(A),

1 delineated by permit type, parish, and offense.

2 (7) The number of citations for violations of R.S. 26:90(A) or 286(A)
3 dismissed or warnings issued on citations for violations of R.S. 26:90(A) or
4 286(A) by the commissioner, delineated by permit type, parish, and offense.

5 (8) The number of agreements or orders entered into in lieu of an
6 administrative hearing for violations of R.S. 26:90(A) or 286(A), delineated by
7 permit type, parish, and offense.

8 (9) The number of follow-up compliance checks conducted pursuant to
9 R.S. 26:793(C) resulting from a retail dealer's noncompliance with R.S.
10 26:90(A) or 286(A), delineated by permit type and parish.

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

DIGEST

SB 168 Original

2024 Regular Session

Mizell

Present law provides that the Department of Revenue, office of tobacco control, is the agency responsible for the permitting of certain establishments and enforcement of the Alcoholic Beverage Control Law.

Present law prohibit acts of permit holders and provides for civil fines, suspension, and revocation for certain actions, including the sale or service of alcoholic beverages, including high and low alcohol content, to any person under the age of 21.

Present law provides that for a violation of present law, the commissioner may, in lieu of or in addition revocation or suspension of a permit, impose the civil fines.

Proposed law increases the fines as follows:

- (1) For a first offense: from not less than \$50 but not more than \$500 to \$100 but not more than \$1,000.
- (2) For a second offense that occurs within three years of the first offense: from not less than \$250 but not more than \$1,000 to \$250 but not more than \$2,000.
- (3) For a third offense that occurs within three years of the first offense: from not less than \$500 but not more than \$2,500 to \$500 but not less than \$5,000.

Proposed law provides for penalties if a person holding a retailer dealer's permit is found in violation of present law prohibition on the sale or service of alcohol to any person under the age of 21 years as follows:

- (1) For a first offense not less than \$250 but not more than \$2,500.
- (2) For a second offense that occurs within five years of the first offense not less than \$500 dollars but not more than \$5,000.

- (3) For a third offense that occurs within five years of the first offense not less than \$1,000 but not more than \$10,000.

Proposed law provides that in addition to fines imposed for a first offense violation of present law regarding the sale or service of alcoholic beverages to a person under the age of 21, the commissioner will require retail permit holder to verify the age of each person prior to the sale of an alcoholic beverage to the person through an electronic age verification device approved by the commissioner.

Present law prohibits a person under the age of 21 to present or offer to any person having a license or permit to sell alcoholic beverages any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of obtaining or purchasing alcoholic beverages or attempting to enter the licensed premises. Provides that a violation is punishable by one or more of the following:

- (1) A fine of not more than \$200.
- (2) Not more than 30 hours of community service.
- (3) Suspension of violator's driver's license for 90 days.

Proposed law increases the penalties for a violation of present law as follows:

- (1) A fine of not more than \$500.
- (2) Not more than 60 hours of community service.
- (3) Suspension of driver's license for 180 days.

Proposed law requires the commissioner to submit the governor, the Senate Committee on Judiciary B, the House Committee on Judiciary, and the David R. Poynter Legislative Research Library a report concerning the sale and service of alcoholic beverages to persons under the age of 21.

Effective August 1, 2024.

(Amends R.S. 14:333(B) and R.S. 26:96(A) and 292(A); adds R.S. 26:800.1)