

Regular Session, 2014

SENATE BILL NO. 102

BY SENATOR MORRELL

ALCOHOLIC BEVERAGES. Provides relative to wine and malt beverage permits. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 26:72(A), (C), and (D) and to enact R.S. 26:72(E), relative to
3 alcoholic beverage permits; to provide relative to wine and malt beverage permits
4 for restaurants and package houses; and to provide for related matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 26:72(A), (C), and (D) are hereby amended and reenacted and R.S.
7 26:72(E) is hereby enacted to read as follows:
8 §72. Permit for ~~light wine~~ **and malt beverages**; restaurants ~~and cafeterias~~ **or**
9 **package houses**
10 A. Before the operator of any restaurant ~~and cafeteria~~ **or package house**
11 where food or drink is legally sold, in which ~~light wine is legally~~ **or malt beverages**
12 **are either** sold for consumption on the premises in connection with the consumption
13 of food **or sold in factory-sealed containers for transportation and consumption**
14 **off the premises**, ~~shall engage~~ in the business of handling such ~~light wine~~ **or malt**
15 **beverages**, he shall obtain annually from the commissioner, before commencing
16 such business, a permit to conduct such retail business, and shall pay for each permit
17 the sum of thirty dollars.

* * *

C. As used in this Section, "~~light~~ wine" means any **effervescent or** non-effervescent alcoholic beverage, ~~known as still wine~~, derived from the juice of any fruit or synthesis thereof, of an alcoholic content of ~~not~~ more than ~~fourteen~~ **six** percent by volume. **Wine is exclusive of all "liquors" whether they be defined as intoxicating or spirituous liquors that are produced by distillation.**

D. **As used in this Section, "malt beverages" means beverages obtained by alcoholic fermentation of an infusion or by a brewing process or concoction of barley or other grain, malt, sugars, and hops in water, including among other things, ale, beer, stout, porter and the like and containing more than six percent alcohol by volume. Malt beverages are exclusive of all "liquors" whether they be defined as intoxicating or spirituous liquors that are produced by distillation.**

E. The provisions of this Section shall apply only to restaurants holding "R" permits **or package houses holding "B" permits** as provided in this Title.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

DIGEST

Morrell (SB 102)

Present law requires the operator of any restaurant and cafeteria where food or drink is legally sold in which light wine is legally sold for consumption on the premises in connection with such food, to obtain annually from the commissioner, before commencing such business, a permit to conduct such retail business, and pay \$30 for each such permit.

Proposed law removes cafeterias from present law.

Proposed law requires the operator of any restaurant holding "R" permits or package houses holding "B" permits and where food or drink is legally sold, in which wine or malt beverages are either sold for consumption on the premises in connection with the consumption of food or sold in factory-sealed containers for transportation and consumption off the premises, to obtain annually from the commissioner, before commencing such business, a permit to conduct such retail business, and pay \$30 for each permit.

Proposed law removes the definition of "light" wine and defines "wine" as any effervescent or non-effervescent alcoholic beverage derived from the juice of any fruit or synthesis thereof, of an alcoholic content of more than six percent by volume. Provides that wine is exclusive of all "liquors" whether they be defined as intoxicating or spirituous liquors that are produced by distillation.

Proposed law defines "malt beverages" as beverages obtained by alcoholic fermentation of an infusion or by a brewing process or concoction of barley or other grain, malt, sugars, and hops in water, including among other things, ale, beer, stout, porter and the like and containing more than six percent alcohol by volume. Provides that malt beverages are exclusive of all "liquors" whether they be defined as intoxicating or spirituous liquors that are produced by distillation.

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

(Amends R.S. 26:72 (A), (C), (D); Adds R.S. 26:72(E))