

2015 Regular Session

HOUSE BILL NO. 343

BY REPRESENTATIVE HAZEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Amends the definition of "public possession" relative to possession and consumption of an alcoholic beverage in a private residence by a person under the age of 21

1 AN ACT

2 To amend and reenact R.S. 14:93.10(2)(a)(iv), relative to the unlawful possession of
3 alcoholic beverages; to provide relative to the crime prohibiting public possession
4 of alcoholic beverages by a person under twenty-one years of age; to amend the
5 definition of "public possession" relative to possession and consumption in a private
6 residence; to provide that possession and consumption of an alcoholic beverage in
7 a private residence is not "public possession" if the person under twenty-one is
8 accompanied by a parent, guardian, or spouse who is at least twenty-one; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:93.10(2)(a)(iv) is hereby amended and reenacted to read as
12 follows:

13 §93.10. Definitions

14 For purposes of R.S. 14:93.10 through 93.14, the following definitions shall
15 apply:

16 * * *

17 (2) "Public possession" means the possession of any alcoholic beverage for
18 any reason, including consumption, on any street, highway, or waterway or in any

1 public place or any place open to the public, including a club which is de facto open
2 to the public. "Public possession" does not include the following:

3 (a) The possession or consumption of any alcoholic beverage:

4 * * *

5 (iv) In private residences if the person under twenty-one years of age is
6 accompanied by a parent, spouse, or legal guardian twenty-one years of age or older.

7 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 343 Original

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Hazel

Abstract: Provides that possession and consumption of an alcoholic beverage in a private residence is not unlawful public possession if the person under 21 is accompanied by a parent, guardian, or spouse who is at least 21.

Present law (R.S. 14:93.12) prohibits the "public possession" of any alcohol beverage by any person under 21 years of age.

Present law (R.S. 14:93.10) defines "public possession" as the possession of any alcoholic beverage for any reason, including consumption, on any street, highway, or waterway or in any public place or any place open to the public, including a club which is de facto open to the public. However, present law provides that "public possession" does not include the possession or consumption of any alcoholic beverage:

- (1) For an established religious purpose.
- (2) When a person under 21 years of age is accompanied by a parent, spouse, or legal guardian 21 years of age or older.
- (3) For medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.
- (4) In private residences.

Proposed law amends the provision relative to possession or consumption of any alcoholic beverage in a private residence to provide that possession and consumption of an alcoholic beverage in a private residence is not unlawful public possession only if the person under 21 is accompanied by a parent, guardian, or spouse who is at least 21.

(Amends R.S. 14:93.10(2)(a)(iv))