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## DIGEST

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HB 893 Original

2016 Regular Session

Thibaut

**Abstract:** Relative the definition of "wholesale dealer", includes affiliates and parent companies in the limitation of sales to subsidiaries of the wholesale dealer, reduces the time period to appeal a commissioner's or district court's decision, and removes the authority to file a suspensive appeal.

Present law defines "wholesale dealer" as a dealer whose principal business is that of a wholesaler, who sells cigarettes, cigars, or other tobacco products to retail dealers for purpose of resale, who is a bona fide wholesaler, and 50% of whose total tobacco sales are to retail stores other than its own or its subsidiaries within Louisiana.

Proposed law specifies that the limitation applied to 50% of the wholesale dealer's subsidiaries includes its affiliates and parent companies within Louisiana.

Present law provides that any party aggrieved by a decision of the commissioner to withhold, suspend, or revoke a permit may, within 30 days of the notification of the decision by the commissioner, take a devolutive or suspensive appeal to the district court.

Proposed law reduces the delay to take an appeal of the commissioner's decision from 30 days to 10 days, and removes the authority to file a suspensive appeal.

Present law provides that the commissioner or the applicant for a permit or permittee may file a devolutive or suspensive appeal of the district court's decision within 30 calendar days of the signing of the judgment by the district court, and that the appeal of the judgment to the appellate court shall be perfected in the manner provided for in civil cases and shall be devolutive or suspensive only.

Proposed law reduces the delay to take an appeal of the district court's decision from 30 days to 10 days, and removes the authority to file a suspensive appeal.

Effective July 1, 2016.

(Amends R.S. 26:901(34) and 920(B) and (C))