

2020 Second Extraordinary Session

HOUSE BILL NO. 47

BY REPRESENTATIVE DEVILLIER

ALCOHOLIC BEVERAGE PERMT: Prohibits the commissioner of alcohol and tobacco control from imposing sanctions for violation of an emergency order (Items #28, 32, 35, and 60)

1 AN ACT

2 To enact R.S. 26:800.1 and R.S. 29:725.7 and 769.1, relative to the powers of the
3 commissioner of alcohol and tobacco control; to provide for the use of enforcement
4 powers of the commissioner during an emergency; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:800.1 is hereby enacted to read as follows:

7 §800.1. Powers during a state of emergency

8 The commissioner shall not use or be required to use any enforcement power
9 or authority to enforce an actual or alleged violation of any emergency order,
10 proclamation, regulation, or declaration issued pursuant to R.S. 29:721 et seq. or 760
11 et seq.

12 Section 2. R.S. 29:725.7 and 769.1 are hereby enacted to read as follows:

13 §725.7. Commissioner of alcohol and tobacco control

14 The commissioner of alcohol and tobacco control shall not use or be required
15 to use any enforcement power or authority to enforce an emergency order,
16 proclamation, or regulation issued pursuant to this Chapter.

17 * * *

18 §769.1. Commissioner of alcohol and tobacco control

19 R.S. 29:725.7 shall apply to this Chapter.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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 47 Original

2020 Second Extraordinary Session

DeVillier

Abstract: Prohibits the commissioner of alcohol and tobacco control from using enforcement powers to enforce an emergency order.

Present law authorizes the governor or a parish president to declare a state of emergency pursuant to the La. Homeland Security and Emergency Assistance and Disaster Act.

Present law authorizes the governor to declare a state of public health emergency pursuant to the La. Health Emergency Powers Act.

Proposed law provides that the commissioner of alcohol and tobacco control shall not use or be required to use any enforcement power or authority to enforce an actual or alleged violation of any emergency order, proclamation, regulation, or declaration issued pursuant to present law.

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

(Adds R.S. 26:800.1 and R.S. 29:725.7 and 769.1)