

2020 Second Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 8

BY REPRESENTATIVE DEVILLIER

ALCOHOLIC BEVERAGE PERMT: Suspends the enforcement authority of the commissioner of alcohol and tobacco control for violations of COVID-19-related restrictions (Items #28, 32, 35, and 60)

1 A CONCURRENT RESOLUTION

2 To suspend until sixty days after final adjournment of the 2021 Regular Session of the
3 Legislature of Louisiana the enforcement authority of the commissioner of alcohol
4 and tobacco control pursuant to Chapter 5 of Title 26 of the Louisiana Revised
5 Statutes of 1950 or any powers delegated to the commissioner pursuant to R.S.
6 29:721 et seq. or 760 et seq., as they apply to violations of COVID-19-related
7 restrictions.

8 WHEREAS, the governor has issued several proclamations imposing restrictions on
9 bars during the COVID-19 public health emergency, including those restrictions in
10 Proclamation Number 117 JBE 2020 and Proclamation Number 123 JBE 2020; and

11 WHEREAS, in Proclamation Number 117 JBE 2020 and Proclamation Number 123
12 JBE 2020 the commissioner of alcohol and tobacco control is authorized and directed as an
13 officer of the state to "cooperate in actions the state may take in response to the effects of"
14 COVID-19; and

15 WHEREAS, the commissioner of alcohol and tobacco control is granted general
16 enforcement authority pursuant to Chapter 5 of Title 26 of the Louisiana Revised Statutes
17 of 1950 which includes the power to issue orders suspending or revoking permits and to
18 collect fees and penalties; and

1 WHEREAS, the purpose of this Resolution is to prohibit the commissioner of alcohol
2 and tobacco control from enforcing closures or restrictions on bars, imposing fines, or
3 suspending or revoking licenses as a result of alleged or actual violations of the governor's
4 COVID-19 restrictions; and

5 WHEREAS, this Resolution does not seek to limit the commissioner's enforcement
6 powers in any other context.

7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
8 the provisions of Chapter 5 of Title 26 of the Louisiana Revised Statutes of 1950 granting
9 enforcement powers to the commissioner of alcohol and tobacco control as they apply to
10 violations of COVID-19-related restrictions.

11 BE IT FURTHER RESOLVED that the Legislature of Louisiana hereby suspends
12 the provisions of R.S. 29:721 et seq. or 760 et seq. pursuant to which any powers are
13 delegated to the commissioner of alcohol and tobacco control in response to COVID-19-
14 related restrictions.

15 BE IT FURTHER RESOLVED that this suspension shall become effective upon
16 adoption of this Resolution and shall extend through the sixtieth day after final adjournment
17 of the 2021 Regular Session of the Legislature of Louisiana.

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)]

HCR 8 Engrossed

2020 Second Extraordinary Session

DeVillier

Suspends until 60 days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana the enforcement authority of the commissioner of alcohol and tobacco control afforded to the commissioner under present law or any powers delegated to the commissioner pursuant to the La. Homeland Security and Emergency Assistance and Disaster Act or the La. Health Emergency Powers Act, as they apply to violations of COVID-19-related restrictions.

(Suspends Ch. 5 of Title 26 of the La. Revised Statutes of 1950 and R.S. 29:721 et seq. and 760 et seq.)