

2020 Second Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 8

BY REPRESENTATIVES DEVILLIER, AMEDEE, BAGLEY, CREWS, EMERSON,  
FIRMINT, FRIEMAN, GADBERRY, GAROFALO, HORTON, MCCORMICK,  
MIGUEZ, NELSON, CHARLES OWEN, AND SEABAUGH

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, except as applicable to the city of New Orleans.

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  
8 suspends, except as applicable to the city of New Orleans, the provisions of Chapter 5 of  
9 Title 26 of the Louisiana Revised Statutes of 1950 granting enforcement powers to the  
10 commissioner of alcohol and tobacco control as they apply to violations of COVID-19-  
11 related restrictions.

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

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

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#### 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)]

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HCR 8 Reengrossed           2020 Second Extraordinary Session           DeVillier

Suspends until 60 days after final adjournment of the 2021 Regular Session of the Legislature of La. 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, except as they apply to the city of New Orleans.

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

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Add an exception for the city of New Orleans.