
DIGEST

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HB 44 Engrossed

2020 Second Extraordinary Session

Magee

Abstract: Suspends the authority of a parish or municipality to prohibit the sale of alcoholic beverages or to limit the time of operation of any establishment selling alcoholic beverages until one year after the COVID-19 public health emergency is terminated.

Present law provides that during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any municipality or parish, the chief law enforcement officer of the political subdivision affected by the proclamation may prohibit the sale and distribution of alcoholic beverages.

Present law also provides that the governing authority of any municipality within a parish with a population between 53,000 and 60,000 persons according to the most recent federal decennial census may enact ordinances to regulate the closing times of bars located within the municipality.

Present law provides that the parish president may suspend or limit the sale, dispensing, or transportation of alcoholic beverages during an emergency.

Present law provides that suspending or limiting the sale, dispensing, or transportation of alcoholic beverages is included as an emergency response measure for which the chief executive officer of a municipality is authorized to control during an emergency.

Present law provides that local subdivisions of the state may regulate but not prohibit, except by referendum vote, the business of wholesaling, retailing, and dealing in alcoholic beverages.

Present law also provides that no parish or municipality shall, in the exercise of its police power, regulate the business of selling such alcoholic beverages more than is necessary for the protection of the public health, morals, safety, and peace.

Present law allows a local subdivision, in adopting these regulatory ordinances, to provide for the suspension or revocation of a permittee's permit in addition to the ordinary penalties authorized by law for their violation.

Proposed law suspends a parish or municipality's ability to prohibit the sale of alcoholic beverages and the ability to limit the time of operation of any establishment selling alcoholic beverages until one year after the COVID-19 public health emergency has been terminated or has expired.

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

(Amends R.S. 14:329.6(A)(4), R.S. 26:493, 493.1, and 494, and R.S. 29:727(F)(8) and 737(B)(7))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Specify that the one year period begins on the date the COVID-19 public health emergency, as declared by the governor, is terminated or expires.