

2021 Regular Session

SENATE BILL NO. 76

BY SENATOR TALBOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES. Provides relative to the hotel and lodging exception permit.  
(8/1/21)

1 AN ACT  
2 To enact R.S. 26:794.1, relative to the Office of Alcohol and Tobacco Control; to provide  
3 relative to permits; to provide for exception permits for certain establishments; to  
4 provide for qualifications and limitations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:794.1 is hereby enacted to read as follows:

7 **§794.1. Permit exception for hotel and lodging establishments**

8 **A. Notwithstanding any other provision of law to the contrary, an**  
9 **applicant that meets the requirements set forth in R.S. 26:80 and 280 may be**  
10 **issued a permit exception for hotel and lodging establishments, hereinafter**  
11 **referred to as the "permit", for any establishment which consists of sleeping**  
12 **rooms, cottages, or cabins.**

13 **B.(1) An applicant for the permit shall do all of the following:**

14 **(a) Meet all requirements of R.S. 26:80, 81, 280, and 281.**

15 **(b) Pay all fees for a Class A-General permit as required by R.S. 26:71**  
16 **and 271.**

17 **(c) Comply with the provisions of R.S. 26:77 and 277.**

1                    (d) Prior to operation, acquire any local alcoholic beverage permit as  
2                    required by R.S. 26:74 and 274.

3                    (2) The establishment's location shall meet all of the following  
4                    requirements:

5                    (a) The location shall have a public habitable floor area of no less than  
6                    five hundred square feet dedicated to the exclusive use of the applicant's  
7                    business.

8                    (b) If the establishment operates a restaurant or dining area, the  
9                    restaurant or the dining area's primary function is to serve and take orders for  
10                   food, food items, and alcoholic beverages which may be served in conjunction  
11                   with meals for on-premise consumption.

12                   (c) If the establishment operates a bar, the bar area shall have a  
13                   permanent wet bar equipped with a nonmovable sink and a backbar or similar  
14                   equipment for public display and to inform the public of brands and flavors  
15                   offered for sale.

16                   (d) The location shall comply with all state and local building, fire,  
17                   health, and other applicable laws and ordinances.

18                   (3) The applicant shall comply with all of the following with respect to  
19                   its operations:

20                   (a) The applicant shall prohibit any person under eighteen years of age  
21                   from sitting or loitering at any bar on the premises.

22                   (b) The applicant may sell and offer for sale only packaged alcoholic  
23                   beverages from the designated area, as indicated in its application. The  
24                   applicant may offer complimentary alcoholic beverages to anyone over the age  
25                   of twenty-one that is occupying its sleeping rooms, cottages, or cabins.

26                   (c) The applicant shall solely control all alcohol sold and served.

27                   (d) The applicant shall maintain control of the sale and service of all  
28                   alcoholic beverages under its permit and the proceeds from the sale of alcohol  
29                   may not be shared, whether directly or indirectly, with any third person not

1 listed on the application filed with the Office of Alcohol and Tobacco Control.

2 (e) If the applicant fails to purchase alcoholic beverages for more than  
3 six consecutive months for a location, the applicant shall be required to  
4 surrender any and all state alcoholic beverage permits issued for that location  
5 by the Office of Alcohol and Tobacco Control.

6 (f) Samplings may be conducted in accordance with the site sampling  
7 regulations.

8 (g) Prior to being employed by the location, all employees who sell or  
9 serve alcohol shall be certified in accordance with the Louisiana Responsible  
10 Vendor Program, R.S. 26:931 et seq.

11 (h) The applicant shall fully review and comply with all other provisions  
12 of this Title and Title 55 of the Louisiana Administrative Code.

13 C. This permit shall not:

14 (1) Be utilized in lieu of a special event permit.

15 (2) Exempt the applicant from prior approval for any festivals and  
16 public events.

17 (3) Be used as a prerequisite to apply for video poker machines.

18 (4) Apply to any change of ownership of the business, including changes  
19 to the owner of the applicant, whether in whole or in part. Any such change  
20 shall cause this exception permit to be void.

21 D. The applicant shall submit written attestation, under penalty of  
22 perjury of all affiliated partners, members, officers, directors, and shareholders  
23 that the provisions of Subsection B of this Section have been met.

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The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

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Proposed law provides that an applicant that meets certain qualifications set forth in present law may be issued a permit exception for hotel and lodging establishments, hereinafter referred to as "permit", for any establishment which consists of sleeping rooms, cottages, or cabins.

Proposed law provides that the applicant is required to meet certain qualifications provided in proposed law and that the location of the applicant's establishment is required to meet certain requirements set forth in proposed law.

Proposed law provides certain limitations to the applicant's operations provided in proposed law and provides that the permit shall not:

- (1) Be utilized in lieu of a special event permit.
- (2) Exempt applicant from prior approval from any festivals and public events.
- (3) Be used as a prerequisite to apply for video poker machines.
- (4) Apply to any change of ownership of the business, including changes to the owner of the applicant, whether in whole or in part. Any such change requires the exception permit to be void.

Proposed law provides that an applicant shall submit written attestation, under penalty of perjury of all affiliated partners, members, officers, directors, and shareholders that the provisions of proposed law have been met.

Proposed law provides that the applicant shall submit a notarized certification of eligibility in accordance with proposed law on a form provided by the Office of Alcohol and Tobacco Control.

Effective August 1, 2021.

(Adds R.S. 26:794.1)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Clarifies the alcoholic beverage purchase requirement, from six months to six consecutive months at a particular location.

##### Senate Floor Amendments to engrossed bill

1. Makes technical changes.