

2023 Regular Session

SENATE BILL NO. 194

BY SENATOR MIZELL

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

ALCOHOLIC BEVERAGES. Prohibits persons under the age of twenty-one from entering and working at certain establishments. (2/3-CA7s2.1(A)) (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:93.11(A) and 333(B), R.S. 23:161(13), and R.S. 26:71.1(1)(d)

3 and (e) and (4)(b), 80(A)(1), 90(A)(3), (8)(a), and (10), 96(A), 271.2(1)(d) and (e)

4 and (4)(b), 286(A)(3), (8)(a), and (10), 793(C)(1), and 794(B)(3)(a), and to enact

5 R.S. 26:71.5, 90(A)(17), and 271.5, relative to the alcohol; to prohibit persons under

6 the age of twenty-one from entering certain establishments; to provide for

7 employment limitations at certain establishments; to provide relative to certifications

8 and permits issued by the office of alcohol and tobacco control; to provide for civil

9 penalties; to provide relative to the misrepresentation of age; to provide for terms,

10 conditions, restrictions, and procedures; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:93.11(A) and 333(B) are hereby amended and reenacted to read
13 as follows:

14 §93.11. Unlawful sales to persons under twenty-one

15 A. Unlawful sales to persons under twenty-one is the selling or otherwise

16 delivering for value of any alcoholic beverage to any person under twenty-one years

17 of age ~~unless such person is the lawful owner or lawful employee of an establishment~~

1 ~~to which the sale is being made and is accepting such delivery pursuant to such~~
2 ~~ownership or employment.~~ Lack of knowledge of the person's age shall not be a
3 defense.

4 * * *

5 §333. Misrepresentation of age to obtain alcoholic beverages or gain entry to
6 licensed premises prohibited; penalties

7 * * *

8 B. Whoever violates the provisions of this Section shall be punishable by one
9 or more of the following:

10 (1) A fine of not more than ~~two~~ **five** hundred dollars.

11 (2) An appropriate amount of community service not to exceed ~~thirty~~ **sixty**
12 hours.

13 (3) Suspension of the violator's driver's license for ~~ninety~~ **one hundred**
14 **eighty** days.

15 * * *

16 Section 2. R.S. 23:161(13) is hereby amended and reenacted to read as follows:

17 §161. Minors; prohibited employments

18 Minors, except those indentured as apprentices in accordance with Chapter
19 4 of this Title, shall not be employed, permitted, or suffered to work:

20 * * *

21 (13) In any place or establishment in which the sale of alcoholic beverages,
22 as defined in R.S. 26:241, constitutes its main business, ~~unless the minor is a~~
23 ~~musician performing in a band on the premises under written contract with the holder~~
24 ~~of the alcoholic beverage permit for a specified time period and is under direct~~
25 ~~supervision of his parent or legal guardian during such time.~~ Any place or
26 establishment holding a duly issued retail dealer's alcoholic beverage permit or
27 license, for which the sale of alcoholic beverages does not constitute the main
28 business of the establishment may employ anyone under the age of eighteen provided
29 the minor's employment does not involve the sale, mixing, dispensing, or serving of

1 alcoholic beverages for consumption on the premises.

2 * * *

3 Section 3. R.S. 26:71.1(1)(d) and (e) and (4)(b), 80(A)(1), 90(A)(3), (8)(a), and (10),
4 96(A), 271.2(1)(d) and (e) and (4)(b), 286(A)(3), (8)(a), and (10), 793(C)(1), and
5 794(B)(3)(a) are hereby amended and reenacted and R.S. 26:71.5, 90(A)(17) and 271.5 are
6 hereby enacted to read as follows:

7 §71.1. Class A permit; definitions

8 The commissioner shall issue the following four types of Class A retail liquor
9 permits:

10 (1) Class A-General:

11 * * *

12 (d) A Class A-General retail permit shall be issued only to an establishment
13 where the state law provides that no person under the age of ~~eighteen~~ **twenty-one**
14 years is allowed on the premises except as provided in R.S. 26:90(A)(8)(a).

15 (e) Notwithstanding the provisions of Subparagraphs (a) through (d) of this
16 Paragraph, the commissioner shall not issue a Class A - General liquor permit to any
17 bona fide commercial film theater unless the bona fide commercial film theater
18 complies with the requirements in R.S. 26:73(C)(1)(a), (b), and (c) and alcoholic
19 beverage sales are physically segregated from all other concession sales and no one
20 under the age of ~~eighteen~~ **twenty-one** is allowed to enter the area where ~~such~~ **the**
21 alcoholic beverage sales are conducted.

22 * * *

23 (4) Class A-Restaurant-Conditional:

24 * * *

25 (b) Notwithstanding the provisions of R.S. 26:90(A)(3)(a) or any other law
26 to the contrary, any establishment which qualifies and receives a Class-A-
27 Restaurant-Conditional permit may permit any person under the age of ~~eighteen~~
28 **twenty-one** on the premises between the hours of 7:00 a.m. and 11:00 p.m.

29 * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

§71.5. Bartender; minimum age

Notwithstanding any provision of the law to the contrary, no person under the age of twenty-one shall be employed, permitted, or suffered to work as a bartender whose primary duty is to open or prepare, or both, alcohol products for consumption on the premises by paying customers, or prepared with an appropriate lid or cover on the container for takeout service, at any establishment permitted with a Class A retail liquor permit.

* * *

§80. Qualifications of applicants for permits

A. Applicants for state and local permits of all kinds shall demonstrate that they meet all of the following qualifications and conditions:

(1) Be a person of good character and reputation and over ~~eighteen~~ **twenty-one** years of age. In considering a person's good character or reputation, the commissioner may consider a person's arrests in determining suitability.

* * *

§90. Acts prohibited on licensed premises; suspension or revocation of permits

A. No person holding a retail dealer's permit, and no person permitted to sell alcoholic beverages at retail to consumers, and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

* * *

(3)(a) Intentionally entice, aid, or permit any person under the age of ~~eighteen~~ **twenty-one** years to visit or loiter in or about any place where alcoholic beverages or beer are the principal commodities sold, handled, or given away. The provisions of this Section shall in no way prohibit the presence of any person under the age of ~~eighteen~~ **twenty-one** years on or about a licensed premises for any function sponsored by a religious or charitable organization with tax exempt status under Section 501(3) of the Internal Revenue Code of the United States, or by a fraternal beneficiary society with tax exempt status under 501(8) of the said code, and no

1 alcoholic beverages are sold, handled, given away, or accessible during the presence
2 of any such person.

3 (b) Permit any person under ~~eighteen~~ **twenty-one** years of age to work in any
4 capacity ~~unless that person is a musician performing in a band on the premises under~~
5 ~~written contract for a specified period of time by the permittee, and the musician is~~
6 ~~under direct supervision of his parent or legal guardian.~~

7 * * *

8 (8)(a) Employ anyone under the age of ~~eighteen~~ **twenty-one** in any capacity
9 in an establishment where the sale of alcoholic beverages constitutes its main
10 business ~~unless the minor is a musician performing in a band on the premises under~~
11 ~~written contract with the permittee for a specified time period and is under the direct~~
12 ~~supervision of his parent or guardian during such time.~~ If the sale of alcoholic
13 beverages does not constitute the main business of the establishment, anyone under
14 the age of ~~eighteen~~ **twenty-one** may be employed as long as the minor's employment
15 does not involve the sale, mixing, dispensing, or serving of alcoholic beverages for
16 consumption on the premises.

17 * * *

18 (10) Permit the playing of pool or billiards by any person under ~~eighteen~~
19 **twenty-one** years of age, or permit such a person to visit or frequent the licensed
20 premises operating a pool or billiard hall, except in a structure where the position of
21 the pool or billiards playing area is separate and distinct from the area where
22 alcoholic beverages are dispensed to patrons.

23 * * *

24 **(17) Allow any person under the age of twenty-one years to enter a Class**
25 **A-General retail establishment. Any person attempting to enter the Class**
26 **A-General retail establishment shall submit any one of the means of**
27 **identification as provided in Paragraph (A)(1) of this Section or a similar means**
28 **of verification provided through the use of a real-time age verification system**
29 **authorized by the commissioner. The provisions of Subparagraph (A)(1)(b) of**

1 **this Section shall apply to any one of the means of identification submitted.**

2 * * *

3 §96. Revocation and suspensions not exclusive penalty

4 A.(1) Notwithstanding any other provision of this Chapter to the contrary, the
5 commissioner may, in lieu of or in addition to revocation or suspension of a permit
6 issued under the authority of this Chapter, impose the following schedule of fines to
7 be paid into the state treasury for:

8 (a) A first offense, not less than ~~fifty~~ **one thousand** dollars but not more than
9 ~~five hundred~~ **five thousand** dollars.

10 (b) A second offense that occurs within ~~three~~ **ten** years of the first offense,
11 not less than ~~two hundred fifty~~ **five thousand** dollars but not more than ~~one~~ **ten**
12 thousand dollars.

13 (c) A third offense that occurs within ~~three~~ **ten** years of the first offense, not
14 less than ~~five hundred~~ **ten thousand** dollars but not more than ~~two~~ **fifteen** thousand
15 ~~five hundred~~ dollars.

16 **(2) Notwithstanding any other provision of law to the contrary, in**
17 **addition to the fine imposed upon first offense, the commissioner shall require**
18 **any Class A-General retail permit holder to verify the age of a person in**
19 **accordance with R.S. 26:90(A)(17) through an age verification system**
20 **authorized by the commissioner.**

21 ~~(2)~~**(3)** A retail dealer who is required pursuant to R.S. 15:541.1 to post
22 information regarding the National Human Trafficking Center hotline and fails to
23 post such information may be assessed a fine in accordance with the provisions of
24 this Section.

25 **(4) One-half of the fines collected pursuant to this Subsection shall be**
26 **used solely for the enforcement of this Part.**

27 * * *

28 §271.2. Class A permit; definitions

29 The commissioner shall issue the following four types of Class A retail

1 permits for beverages of low alcoholic content:

2 (1) Class A-General:

3 * * *

4 (d) A Class A-General retail permit shall be issued only to an establishment
5 where the state law provides that no person under the age of ~~eighteen~~ **twenty-one**
6 years is allowed on the premises except as provided in R.S. 26:90(A)(8)(a).

7 (e) Notwithstanding the provisions of Subparagraphs (a) through (d) of this
8 Paragraph the commissioner shall not issue a Class A-General retail permit for
9 beverages of low alcoholic content to a bona fide commercial film theater unless the
10 bona fide commercial film theater complies with the requirements in R.S.
11 26:272(C)(1)(a), (b), and (c) and alcoholic beverage sales are physically segregated
12 from all other concession sales and no one under the age of ~~eighteen~~ **twenty-one** is
13 allowed to enter the area where such alcoholic beverage sales are conducted.

14 * * *

15 (4) Class A-Restaurant-Conditional:

16 * * *

17 (b) Notwithstanding the provisions of R.S. 26:286(A)(3)(a) or any other law
18 to the contrary, any establishment which qualifies and receives a Class-A-
19 Restaurant-Conditional permit may permit any person under the age of ~~eighteen~~
20 **twenty-one** on the premises between the hours of 7:00 a.m. and 11:00 p.m.

21 * * *

22 **§271.5. Bartender; minimum age**

23 **Notwithstanding any provision of the law to the contrary, no person**
24 **under the age of twenty-one shall be employed, permitted, or suffered to work**
25 **as a bartender whose primary duty is to open or prepare, or both, alcohol**
26 **products for consumption on the premises by paying customers, or prepared**
27 **with an appropriate lid or cover on the container for take out service, at any**
28 **establishment permitted with a Class A retail liquor permit.**

29 * * *

1 §286. Acts prohibited on licensed premises; suspension or revocation of permits

2 A. No person holding a retail dealer's permit, and no person permitted to sell
3 alcoholic beverages at retail to consumers, and no servant, agent, or employee of the
4 permittee shall do any of the following acts upon the licensed premises:

5 * * *

6 (3)(a) Intentionally entice, aid, or permit any person under the age of ~~eighteen~~
7 **twenty-one** years to visit or loiter in or about any place where alcoholic beverages
8 or beer are the principal commodities sold, handled, or given away. However, the
9 provisions of this Section shall in no way prohibit the presence of any person under
10 the age of ~~eighteen~~ **twenty-one** years on or about a licensed premises for any
11 function sponsored by a religious or charitable organization with tax exempt status
12 under Section 501(3) of the Internal Revenue Code of the United States, or by a
13 fraternal beneficiary society with tax exempt status under 501(8) of the said code,
14 and no alcoholic beverages are sold, handled, given away, or accessible during the
15 presence of any such person.

16 (b) Permit any person under ~~eighteen~~ **twenty-one** years of age to work in any
17 capacity ~~unless that person is a musician performing in a band on the premises under~~
18 ~~written contract for a specified period of time by the permittee, and the musician is~~
19 ~~under direct supervision of his parent or legal guardian.~~

20 * * *

21 (8)(a) Employ anyone under the age of ~~eighteen~~ **twenty-one** in any capacity
22 in an establishment where the sale of alcoholic beverages constitutes its main
23 business ~~unless the minor is a musician performing in a band on the premises under~~
24 ~~written contract with the permittee for a specified time period and is under the direct~~
25 ~~supervision of his parent or guardian during such time.~~ If the sale of alcoholic
26 beverages does not constitute the main business of the establishment, anyone under
27 the age of ~~eighteen~~ **twenty-one** may be employed as long as the minor's employment
28 does not involve the sale, mixing, dispensing, or serving of alcoholic beverages for
29 consumption on the premises.

* * *

(10) Permit the playing of pool or billiards by any person under ~~eighteen~~ **twenty-one** years of age, or permit such a person to frequent the licensed premises operating a pool or billiard hall, except in a structure where the position of the pool or billiards playing area is separate and distinct from the area where alcoholic beverages are dispensed to patrons.

* * *

§793. Additional powers of the commissioner

* * *

C.(1) In order to ensure compliance with laws prohibiting the sale or service of alcoholic beverages, tobacco, alternative nicotine, or vapor products to underage persons, the commissioner shall at least once annually conduct random, unannounced inspections at locations where alcoholic beverages, tobacco, or alternative nicotine, or vapor products are sold, served, or distributed. Persons over the age of sixteen and under the age of twenty-one shall be enlisted by employees of the office of alcohol and tobacco control to test compliance, but such persons may be used only if the testing is conducted under the direct supervision of such employees and written parental consent has been provided if the person is under the age of eighteen. Any person under the age of ~~eighteen~~ or twenty-one shall either carry the person's own identification showing the person's correct date of birth or shall carry no identification. A person under the age of twenty-one who carries identification shall, on request, present it to any seller or server of alcoholic beverages, tobacco, or alternative nicotine or vapor products. In addition, any person under the age of twenty-one enlisted under this Subsection shall truthfully answer any questions about the person's age. Except where expressly authorized in writing by the commissioner in furtherance of the objectives of this Section, any other use of persons under the age of twenty-one to test compliance with the provisions of this Section or any other prohibition of like or similar import shall be unlawful and the person or persons responsible for such use shall be subject to the penalties prescribed in this Title or

1 R.S. 14:91.6, 91.8(H), 92, or 93.11. Unannounced follow-up compliance checks of
2 all noncompliant retailers are required within three months of any violation of this
3 Chapter.

4 * * *

5 §794.1. Permit exception for hotel and lodging establishments

6 * * *

7 B.

8 * * *

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

11 (a) The applicant shall prohibit any person under ~~eighteen~~ **twenty-one** years
12 of age from sitting or loitering at any bar on the premises.

13 * * *

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 194 Original

2023 Regular Session

Mizell

Present law provides for the powers and duties fo the office of alcohol and tobacco control (office), including the issuance of Class A retail liquor permits.

Present law provides for three types of Class A retail liquor permits: Class A-General, Class A-Restaurant, and Class A-Special.

Present law provides that a Class A-General retail permit is issued only to a retail outlet where alcohol is sold on the premises for consumption on the premises by paying customers and that meets other requirements provided by present law. Provides that a Class A-General retail permit must be issued only to an establishment where the state law provides that no person under the age of 18 is allowed on the premises. Makes an exception for a minor to be present at the establishment provided the minor is a musician who performs in a band at the establishment under written contract with the permit holder and is under the direct supervision of his parent or guardian.

Proposed law increases the age to enter a Class A-General retail establishment from 18 to 21 and removes the exception for a minor who performs in a band to be on the premises of the establishment.

Present law provides for the certification of servers by the office.

Proposed law retains present law but adds the requirement that only a person 21 and older can be employed as a bartender. Provides for the duties of bartenders.

Present law provides relative to prohibited acts of a person holding a retail dealer's permit, including but not limited to the following:

- (1) Enticing, aiding, or permitting any person under the age of 18 to visit or loiter in or about any place where alcoholic beverages or beer are the principal commodities sold, handled, or given away.
- (2) Employing anyone under the age of 18 in any capacity in an establishment where the sale of alcoholic beverages constitutes its main business.
- (3) Permitting the playing of pool by any person under the age of 18 or permitting the person to visit or frequent the licensed pool or billiard hall, except if the playing area is separate and distinct from the area where the alcoholic beverages are dispensed.

Proposed law prohibits a person holding a retail dealer's permit from allowing any person under the age of 21 years to enter a Class A-General retail establishment. Requires any person attempting to enter the Class-A General retail establishment to submit certain forms of identification verifying he is at least 21 years old.

Present law provides for a penalty schedule for violations and provides for a three-year cleansing period from the first offense.

Proposed law increase the penalties as follows:

- (1) For a first offense, from not less than \$50 but not more than \$500 to not less than \$1,000 but not more than \$5,000.
- (2) For a second offense, from not less than \$250 but not more than \$1000 to not less than \$5,000 but not more than \$10,000.
- (3) For a third offense, from not less than \$500 to not more than \$2,500 to not more than \$10,000 but not more than \$15,000.

Proposed law increases the cleansing period to 10 years from the first offense.

Proposed law requires that upon first offense, in addition to the fines, the commissioner shall require the Class A-General permit holder to verify age through an age verification system authorized by the commissioner.

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

(Amends R.S. 14:93.11(A) and 333(B), R.S. 23:161(13), and R.S. 26:71.1(1)(d) and (e) and (4)(b), 80(A)(1), 90(A)(3), (8)(a), and (10), 96(A), 271.2(1)(d) and (e) and (4)(b), 286(A)(3), (8)(a), and (10), 793(C)(1), and 794(B)(3)(a); adds R.S. 26:71.5, 90(A)(17), and 271.5)