

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Judiciary to Reengrossed Senate Bill No. 194 by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 26:9(A) and 292(A)" to "R.S. 26:96(A), 292(A), and 793(C)"

3 AMENDMENT NO. 2

4 On page 1, line 3, delete "and R.S. 26:90(A)(17) and 286(A)(17)"

5 AMENDMENT NO. 3

6 On page 1, line 5, after "liability;" and before "to provide" insert "to provide for powers and
7 duties of the commissioner;"

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9 AMENDMENT NO. 4

10 On page 1, line 15, change "Permit" to "permit"

11 AMENDMENT NO. 5

12 On page 1, line 16, change "and" to "or"

13 AMENDMENT NO. 6

14 On page 1, line 17, after "1950" delete the comma "," and delete the remainder of the line
15 and on page 2, delete line 1 in its entirety and insert "where"

16 AMENDMENT NO. 7

17 On page 2, line 13, change "Permit" to "permit"

18 AMENDMENT NO. 8

19 On page 2, line 13, change "and" to "or"

20 AMENDMENT NO. 9

21 On page 2, line 14, after "1950" delete the comma "," and delete the remainder of the line
22 and delete lines 15 and 16 in their entirety and insert "where beverages of either high or
23 low"

24 AMENDMENT NO. 10

25 On page 2, at the end of line 27, change "Permit" to "permit"

26 AMENDMENT NO. 11

27 On page 2, line 29, after "1950" delete the remainder of the line and on page 3, delete line
28 1 in its entirety and insert "where"

29 AMENDMENT NO. 12

30 On page 3, delete lines 6 through 12 in their entirety

1 AMENDMENT NO. 13

2 On page 3, line 25, change "R.S. 26:9(A) and 292(A)" to "R.S. 26:96(A), 292(A), and
3 793(C)"

4 AMENDMENT NO. 14

5 On page 3, at the end of line 25, delete "and R.S." and delete line 26 in its entirety and insert
6 "to read as follows:"

7 AMENDMENT NO. 15

8 On page 3, delete lines 27 through 29 in their entirety and on page 4, delete lines 1 through
9 17 in their entirety

10 AMENDMENT NO. 16

11 On page 5, at the beginning of line 15, change "(b)" to "(b)(i)"

12 AMENDMENT NO. 17

13 On page 5, line 16, after "**require**" and before "**the**" insert "**for such violation**"

14 AMENDMENT NO. 18

15 On page 5, line 17, delete "**or a permit holder**"

16 AMENDMENT NO. 19

17 On page 5, at the end of line 20, delete "**age verification system**" and at the beginning of
18 line 21, delete "**authorized**" and insert "**electronic age verification device approved**"

19 AMENDMENT NO. 20

20 On page 5, at the beginning of line 22, change "(c)" to "(ii)"

21 AMENDMENT NO. 21

22 On page 5, at the end of line 24, delete "**permit holder or**" and at the beginning of line 25,
23 delete "**a**"

24 AMENDMENT NO. 22

25 On page 5, line 28, change "**age verification system authorized**" to "**electronic age**
26 **verification device approved**"

27 AMENDMENT NO. 23

28 On page 5, after line 29 insert the following:

- 29 **(iii) The device approved by the commissioner pursuant to this**
30 **Subparagraph shall, at a minimum, be capable of the following:**
31 **(aa) Verifying proof of age through technology of a magnetic card**
32 **reader or an alternative technology capable of verifying proof of age.**
33 **(bb) Reading a valid state-issued driver's license, a valid state-issued**
34 **identification card, a valid military identification card, or a valid passport.**

1 AMENDMENT NO. 24

2 On page 6, at the beginning of line 1, change "(d)" to "(c)"

3 AMENDMENT NO. 25

4 On page 6, delete lines 4 through 22

5 AMENDMENT NO. 26

6 On page 7, line 11, change "R.S. 26:90(A)(1)" to "R.S. 26:286(A)(1)"

7 AMENDMENT NO. 27

8 On page 7, at the beginning of line 18, change "(b)" to "(b)(i)"

9 AMENDMENT NO. 28

10 On page 7, line 19, after "require" and before "the" insert "for such violation"

11 AMENDMENT NO. 29

12 On page 7, line 20, delete "or a permit holder"

13 AMENDMENT NO. 30

14 On page 7, line 23, change "age verification system authorized" to "electronic age
15 verification device approved"

16 AMENDMENT NO. 31

17 On page 7, line 25, change "(c)" to "(ii)"

18 AMENDMENT NO. 32

19 On page 7, lines 27 and 28, delete "or a permit holder"

20 AMENDMENT NO. 33

21 On page 8, line 2, change "age verification system authorized" to "electronic age
22 verification device approved"

23 AMENDMENT NO. 34

24 On page 8, between lines 3 and 4 insert the following:

25 "(iii) The device approved by the commissioner pursuant to this
26 Subparagraph shall, at a minimum, be capable of the following:

27 (aa) Verifying proof of age through technology of a magnetic card
28 reader or an alternative technology capable of verifying proof of age.

29 (bb) Reading a valid state-issued driver's license, a valid state-issued
30 identification card, a valid military identification card, or a valid passport."

31 AMENDMENT NO. 35

32 On page 8, at the beginning of line 4, change "(d)" to "(c)"

1 AMENDMENT NO. 36

2 On page 8, between lines 6 and 7 insert the following:

3 "§793. Additional powers of the commissioner

4 * * *

5 C.(1) In order to ensure compliance with laws prohibiting the sale or service
 6 of alcoholic beverages, tobacco, alternative nicotine, or vapor products to underage
 7 persons, the commissioner shall at least once annually conduct random, unannounced
 8 inspections at locations where alcoholic beverages, tobacco, or alternative nicotine,
 9 or vapor products are sold, served, or distributed. Persons over the age of sixteen and
 10 under the age of twenty-one shall be enlisted by employees of the office of alcohol
 11 and tobacco control to test compliance, but such persons may be used only if the
 12 testing is conducted under the direct supervision of such employees and written
 13 parental consent has been provided if the person is under the age of eighteen. Any
 14 person under the age of eighteen or twenty-one shall either carry the person's own
 15 identification showing the person's correct date of birth or shall carry no
 16 identification. A person under the age of twenty-one who carries identification shall,
 17 on request, present it to any seller or server of alcoholic beverages, tobacco, or
 18 alternative nicotine or vapor products. In addition, any person under the age of
 19 twenty-one enlisted under this Subsection shall truthfully answer any questions about
 20 the person's age. Except where expressly authorized in writing by the commissioner
 21 in furtherance of the objectives of this Section, any other use of persons under the
 22 age of twenty-one to test compliance with the provisions of this Section or any other
 23 prohibition of like or similar import shall be unlawful and the person or persons
 24 responsible for such use shall be subject to the penalties prescribed in this Title or
 25 R.S. 14:91.6, 91.8(H), 92, or 93.11. Unannounced follow-up compliance checks of
 26 all noncompliant retailers are required within **forty-five days of a violation of R.S.**
 27 **26:90(A)(1) or 286(A)(1) and within** three months of any **other** violation of this
 28 **Chapter Title.**

29 **(2) The commissioner shall prepare and submit an annual report to the**
 30 **governor and the House Committee on Judiciary and the Senate Committee on**
 31 **Judiciary B in accordance with R.S. 24:771 and 772 no later than February**
 32 **first of each year concerning the sale or service of alcoholic beverages to**
 33 **underage persons. The report shall, at a minimum, include for the previous**
 34 **calendar year all the following:**

35 **(a) The number of active retail alcoholic beverage permits, delineated**
 36 **by permit type and parish.**

37 **(b) The number of inspections conducted pursuant to Paragraph (1) of**
 38 **this Subsection, delineated by permit type and parish.**

39 **(c) The number of complaints received regarding the sale or service of**
 40 **alcoholic beverages to underage persons, delineated by permit type and parish.**

41 **(d) The average number of days taken by the office to investigate**
 42 **complaints received regarding the sale or service of alcoholic beverages to**
 43 **underage persons.**

44 **(e) The number of citations issued for violations of R.S. 26:90(A)(1) or**
 45 **286(A)(1), delineated by permit type, parish, and offense.**

46 **(f) A summary of penalties imposed in relation to citations issued for**
 47 **violations of R.S. 26:90(A)(1) or 286(A)(1), delineated by permit type, parish,**
 48 **and offense.**

49 **(g) The number of follow-up compliance checks conducted pursuant to**
 50 **Paragraph (1) of this Subsection resulting from a retail dealer's noncompliance**
 51 **with R.S. 26:90(A)(1) or 286(A)(1), delineated by permit type and parish.**

52 ~~(2)~~**(3)** The commissioner shall prepare and submit to the governor **and the**
 53 **House Committee on Judiciary and the Senate Committee on Judiciary B in**
 54 **accordance with R.S. 24:771 and 772** a report outlining compliance with the
 55 "Prevention of Youth Access to Tobacco Law", which the governor shall use to
 56 prepare and file annually with the secretary of the United States Department of
 57 Health and Human Services the report provided for by 42 U.S.C. 300x-26.

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