

Regular Session, 2010

SENATE BILL NO. 334

BY SENATOR MARIONNEAUX

ENVIRONMENTAL CONTROL. Provides relative to the Louisiana Smokefree Air Act.  
(8/15/10)

1 AN ACT  
2 To amend and reenact R.S. 40:1300.253(1) and to repeal R.S. 40:1300.256(B)(5), relative  
3 to prohibiting smoking in certain places; to provide for definitions; to provide  
4 relative to exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1300.253(1) is hereby amended and reenacted to read as follows:

7 §1300.253. Definitions

8 For the purposes of this Part, the following terms shall have the following  
9 meanings unless the context clearly indicates otherwise:

10 (1) "Bar" means a business that holds a Class A-General retail permit and the  
11 primary purpose of such business is to serve alcoholic beverages for consumption by  
12 guests on the premises and in which the serving of food is only incidental to the  
13 consumption of those beverages, including but not limited to, taverns, nightclubs,  
14 cocktail lounges, and cabarets. **For purposes of this Paragraph, "incidental" shall**  
15 **mean no more than ten percent of food items sold.**

16 \* \* \*

17 Section 2. R.S. 40:1300.256(B)(5) is hereby repealed in its entirety.

---

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

---

DIGEST

Marionneaux (SB 334)

Present law defines a "bar" as a business that holds a Class A-General retail permit and the primary purpose of such business is to serve alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

Proposed law retains present law and further defines the term "incidental," for the purposes of the definition of a "bar," as meaning no more than ten percent of food items sold.

Present law provides for an exception to the prohibition of smoking in a public place or a bar.

Proposed law repeals present law.

Effective August 15, 2010.

(Amends R.S. 40:1300.253(1); repeals R.S. 40:1300.256(B)(5))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill.

1. Removes provision which prohibited smoking in any restaurant or bar if food is served at any time.
2. Clarifies the term "incidental" as it is used for purposes of the definition of a bar.
3. Removes provision which would have repealed the exception to the prohibition of smoking for gaming establishments and outdoor patios where food is served.