

SENATE BILL NO. 234

BY SENATOR GARY SMITH AND REPRESENTATIVES BILLIOT, BROWN, GUILLORY, GIROD JACKSON, MILLER, ST. GERMAIN AND WILLMOTT

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AN ACT

To amend and reenact R.S. 26:932(1) and (5) through (9), 933(B)(2), (D) and (E), 934(2) and (3), 935(A), (B)(1)(a), and (C), 936(B), and 937 and to enact R.S. 26:932(10) and 933(F), relative to alcoholic beverages and tobacco; to provide regarding the Louisiana Responsible Vendor Program; to create server permits for security personnel; to provide for definitions; to provide for training requirements and for certification; to provide for security personnel liability and for penalties, fines, suspension or revocation of a permit; to provide for permit fees; to provide for exemption from local training and licensing regulation in certain instances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:932(1) and (5) through (9), 933(B)(2), (D) and (E), 934(2) and (3), 935(A), (B)(1)(a) and (C), 936(B), and 937 are hereby amended and reenacted and R.S. 26:932(10) and 933(F) are hereby enacted to read as follows:

§932. Definitions

For purposes of this Chapter, the following terms have the respective meanings ascribed to them in this Chapter, unless a different meaning clearly appears from the context:

(1) "Approved provider" means an individual, unincorporated association, partnership, or corporation approved by the program administrator to provide server **or security personnel** training courses.

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(5) "Security Personnel" includes any person, other than a server, who monitors the entrance and other areas of an establishment for purposes of identifying underage and intoxicated persons, enforcing establishment rules and regulations and otherwise providing security for the establishment and its

1 customers where alcoholic beverages are the principal commodity sold for
2 consumption on the premises. "Security personnel" shall not include persons
3 employed by hotels or motels which consist of sleeping rooms, cottages or cabins
4 unless the person works primarily in an area on the licensed premises of a hotel
5 or motel where the principal commodity sold is alcoholic beverages for
6 consumption on the licensed premises.

7 (5) ~~(6)~~ "Server" means any employee of a vendor, other than security
8 personnel, who is authorized to sell or serve alcoholic beverages or tobacco products
9 in the normal course of his or her employment or deals with customers who purchase
10 or consume alcoholic beverages or tobacco products. "Server" shall not include
11 individuals employed on a temporary or casual basis by a bona fide hotel or motel
12 for banquets, catering, or other special events.

13 ~~(6)~~ ~~(7)~~ "Server permit" means the permit issued to a server or security
14 personnel upon completion of ~~a server training course and~~ of all required server
15 or security personnel training courses and all required refresher courses provided
16 for in this Chapter.

17 ~~(7)~~ ~~(8)~~ "Tobacco wholesale dealer" means a dealer whose principal business
18 is that of a wholesaler, who sells cigarettes, cigars, or other tobacco products to retail
19 dealers for purpose of resale, who is a bona fide wholesaler, and fifty percent or
20 more of whose total tobacco sales are to retail stores other than its own or its
21 subsidiaries within Louisiana. Wholesale dealer shall include any person in the state
22 who acquires cigarettes solely for the purpose of resale in vending machines,
23 provided such person services fifty or more cigarette vending machines in Louisiana
24 other than his own, and a Louisiana dealer who was affixing cigarette and tobacco
25 stamps as of January 1, 1974.

26 ~~(8)~~ ~~(9)~~ "Tobacconist" means any bona fide tobacco retailer engaged in
27 receiving bulk smoking tobacco for the purpose of blending such tobacco for retail
28 sale at a particular retail outlet where fifty percent or more of the total purchases for
29 the preceding twelve months were purchases of tobacco products, excluding
30 cigarettes.

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C. Certification under this Chapter as a responsible vendor shall be considered in mitigation of a vendor's administrative penalties or fines for a server's or security personnel's illegal sale or service of an alcoholic beverage to an underage or intoxicated person, or consumption of alcoholic beverages by a customer on the premises of a Class "B" vendor or for a server's illegal sale or service of a tobacco product to an underage person.

§936. Fees

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B. Approved providers may charge fees for the cost of conducting the server or security personnel training courses provided for in this Chapter. Such fees shall be approved by the program administrator and the commissioner. The fee for ~~the~~ each server or security personnel training course provided for by this Section shall not exceed fifty dollars.

§937. Preexisting server training programs

Any vendor or server subject to a local ordinance requiring participation by the vendor or its employees in a server or security personnel training or licensing program shall be exempt from local server or security personnel training and licensing regulation if the vendor is certified as a responsible vendor under the provisions of this Chapter. Nothing in this Chapter shall be construed to apply to any local seller or server licensing requirements in effect on June 1, 1997.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____