

Prior law provided for the qualifications an applicant is required to possess in order to receive an alcoholic beverage permit or a dealer of malt/low alcoholic content permit.

New law retains prior law and adds a provision that allows the commissioner to consider a person's arrests in determining suitability and a person's good character or reputation.

Prior law provided that a permit may be granted by the commissioner if the applicant has been pardoned, has had any misdemeanor conviction discharged or dismissed, or the applicant's civil rights have been restored, or, if the applicant is a firm, association, partnership, trust, domestic or foreign corporation, or other legal entity, the applicant has terminated its relationship with the person or persons whose action directly contributed to the applicant's conviction. Also provided that, in the granting of a permit, a conviction or plea of guilty or nolo contendere by the applicant shall not constitute an automatic disqualification of the applicant, if (a) the felony for which the applicant was convicted is not a crime of violence as defined in R.S. 14:2(B); and (b) 10 years or more have elapsed between the date of application and the successful completion of any sentence, deferred adjudication, or period of probation or parole and the final discharge of the defendant.

New law retains prior law but adds that it shall not apply to any applicant who is also applying for a video draw poker device gaming license.

New law requires that an applicant who is also applying for a video gaming license be a person:

- (1) Who has not been convicted in this or in any other state or by the United States or any other country of theft or any crime involving false statements or declarations, or gambling as defined by the laws and ordinances of any municipality, any parish, any state, or the United States.
- (2) Who has a spouse that has not been convicted of the above referenced offenses.

New law requires all licensees and persons required to be qualified by ATC have a continuing duty to inform the commissioner of any action which they believe would constitute a violation of alcohol beverage laws and further prohibits discrimination against a person by an applicant or licensee because of supplying such information.

New law requires all licensees and any other persons who have been found suitable to maintain suitability throughout the term of the license.

New law authorizes the commissioner to promulgate rules in accordance with the APA for the sale, dispensing, or distribution of beverages of low and high alcoholic content in any type of automatic mechanical vending machine activated by the use of a coin, token, or similar instrument except in Class A establishments. Requires such rules to include procedures for the prevention of access to the machines by underage or intoxicated persons.

Effective August 1, 2012.

(Amends R.S. 26:80(A)(intro para), (1) and (6)-(10), (F)(1) and (2)(intro para), (H)(1), 280(A)(intro para), (1) and (6)-(10), (F)(1) and (2)(intro para), and (H)(1), and 286(A)(9); adds R.S. 26:80(A)(11), (I) and (J), 90(K), and 280(A)(11), (I) and (J))