

Regular Session, 2014

HOUSE BILL NO. 496

BY REPRESENTATIVE ARNOLD

ALCOHOLIC BEVERAGE PERMT: Provides relative to wine and malt beverage permits

1 AN ACT

2 To amend and reenact R.S. 26:72(A), (C), and (D) and to enact R.S. 26:72(E), relative to
3 certain alcoholic beverage permits; to require a permit for certain establishments
4 where certain alcoholic beverages are sold or transported; to require a permit for
5 certain wines and malt beverages; to provide for definitions; to create and provide
6 relative to wine and malt beverage permits for restaurants and package houses; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 26:72(A), (C), and (D) are hereby amended and reenacted and R.S.
10 26:72(E) is hereby enacted to read as follows:

11 §72. Permit for ~~light wine~~ and malt beverages; restaurants ~~and cafeterias~~ or package
12 houses

13 A. Before the operator of any restaurant ~~and cafeteria~~ or package house
14 where food or drink is legally sold, in which ~~light wine~~ and malt beverages ~~is legally~~
15 are sold for consumption on the premises in connection with the consumption of
16 food or sold in factory-sealed containers for transportation and consumption off the
17 premises, shall engage in the business of handling such ~~light wine~~, and or malt
18 beverages, he shall obtain annually from the commissioner, before commencing such
19 business, a permit to conduct such retail business, and shall pay for each permit the
20 sum of thirty dollars.

21 * * *

1 C. As used in this Section, "~~light~~ wine" means any effervescent or non-
2 effervescent alcoholic beverage, ~~known as still wine,~~ derived from the juice of any
3 fruit or synthesis thereof, of an alcoholic content ~~of not more than fourteen~~ six
4 percent by volume. Wine is exclusive of all "liquors" whether they be defined as
5 intoxicating or spirituous liquors, which are produced by distillation.

6 D. As used in this Section, "malt beverages" means beverages obtained by
7 alcoholic fermentation of an infusion or by a brewing process or concoction of barley
8 or other grain, malt, sugars, and hops in water, including among other things, ale,
9 beer, stout, porter and the like and containing more than six percent alcohol by
10 volume. Malt beverages are exclusive of all "liquors" whether they be defined as
11 intoxicating or spirituous liquors, which are produced by distillation.

12 ~~D.E.~~ The provisions of this Section shall apply only to restaurants holding
13 "R" permits or package houses holding "B" permits as provided in this Title.

14 Section 2. 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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Arnold

HB No. 496

Abstract: Provides for certain permit requirements relative to wine and malt beverages.

Present law requires the operator of certain restaurants and cafeterias, where food and drink including light wine is legally sold for consumption on the premises in connection with the consumption of food, to obtain an annual permit from the commissioner before commencing or engaging in the business of handling the light wine and shall pay \$30 for the permit.

Proposed law changes the permit requirement for the operator of a cafeteria to the operator of a package house where food or drink is legally sold, including wine and malt beverages for consumption on the premises or sold in factory-sealed containers for transportation and consumption off the premises.

Present law defines "light wine" to mean any non-effervescent alcoholic beverage, known as still wine, derived from the juice of any fruit or synthesis thereof, of an alcoholic content of not more than 14% by volume.

Proposed law changes the term "light wine" to "wine" and provides for the definition to mean any effervescent or non-effervescent alcoholic beverage derived from the juice of any fruit or synthesis thereof, of an alcoholic content more than 6% by volume. Proposed law further provides that wine is exclusive of all "liquors" whether they be defined as intoxicating or spirituous liquors, which are produced by distillation.

Proposed law defines "malt beverages" to mean beverages obtained by alcoholic fermentation of an infusion or by a brewing process or concoction of barley or other grain, malt, sugars, and hops in water, including among other things, ale, beer, stout, porter and the like and containing more than 6% alcohol by volume. Proposed law further provides that malt beverages are exclusive of all "liquors" whether they be defined as intoxicating or spirituous liquors, which are produced by distillation.

Present law requires the provisions of law relative to alcohol beverage control to apply only to restaurants holding "R" permits.

Proposed law extends the provisions of present law to apply to package houses holding "B" permits.

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

(Amends R.S. 26:72(A), (C), and (D); Adds R.S. 26:72(E))