

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), relative to certain alcoholic beverage  
3 permits; to require a permit for certain establishments where certain alcoholic  
4 beverages are sold or transported; to require a permit for certain wines and malt  
5 beverages; to provide for definitions; to create and provide relative to wine and malt  
6 beverage permits for alcoholic beverage outlets; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 §72. Permit for ~~light wine~~ and malt beverages; ~~restaurants and cafeterias~~

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

19 \* \* \*

20 C. As used in this Section, "~~light wine~~" means any effervescent or non-  
21 effervescent alcoholic beverage, ~~known as still wine~~, derived from the juice of any

1 fruit or synthesis thereof, of an alcoholic content ~~of not~~ more than ~~fourteen~~ six  
2 percent by volume. Wine is exclusive of all "liquors" whether they be defined as  
3 intoxicating or spirituous liquors, which are produced by distillation.

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

12 Section 2. This Act shall become effective upon signature by the governor or, if not  
13 signed by the governor, upon expiration of the time for bills to become law without signature  
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16 effective on the day following such approval.

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#### 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)]

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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 restaurant or cafeteria to the operator of any alcoholic beverage outlet where wine and malt beverages are sold 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 repeals present law.

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

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

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Changed the permit requirements from applying to the operator of any restaurant or package house where food or drink is sold to the operator of any alcoholic beverage outlet where wine and malt beverages are sold for consumption on the premises or for transportation and consumption off the premises.
2. Removed the provision requiring the application of present law to restaurants holding "R" permits or package houses holding "B" permits.