

2018 Regular Session

HOUSE BILL NO. 585

BY REPRESENTATIVE STOKES

ALCOHOLIC BEVERAGES: Provides relative to establishments that sell alcoholic beverages

1 AN ACT

2 To amend and reenact R.S. 26:90(D) through (G), R.S. 26:286(D) through (G), and R.S.  
3 26:933(B)(introductory paragraph) and to enact R.S. 26:932(11), 933(C)(9), and  
4 935(D), relative to establishments selling alcoholic beverages; to provide relative to  
5 the prohibition of certain activity at permitted establishments; to provide for  
6 definitions; to provide relative to human trafficking; to provide for the inclusion of  
7 certain issues the Louisiana Responsible Vendor Program; to provide for certain  
8 notifications to permit holders; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 26:90(D) through (G), R.S. 26:286(D) through (G), and R.S.  
11 26:933(B)(introductory paragraph) are hereby amended and reenacted and R.S. 26:932(11),  
12 933(C)(9), and 935(D) are hereby enacted to read as follows:

13 §90. Acts prohibited on licensed premises; suspension or revocation of permits

14 \* \* \*

15 D. ~~Live entertainment is permitted on any licensed premises, except that no~~  
16 ~~permittee shall permit any person to perform acts of or acts which simulate: No~~  
17 permittee shall permit any person to engage in sexual intercourse, masturbation,  
18 sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are  
19 prohibited by law.

1           ~~(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation,~~  
2           ~~flagellation, or any sexual acts which are prohibited by law.~~

3           ~~(2) The touching, caressing or fondling of the breast, buttocks, anus, or~~  
4           ~~genitals.~~

5           ~~(3) The displaying of the pubic hair, anus, vulva, genitals, or nipple of the~~  
6           ~~female breast.~~

7           E. ~~Subject to the provisions of Subsection D of this Section, entertainers~~  
8           ~~whose breasts or buttocks are exposed to view shall perform only upon a stage at~~  
9           ~~least eighteen inches above the immediate floor level and removed at least three feet~~  
10           ~~from the nearest patron and shall be twenty-one years of age or older. No permittee~~  
11           ~~shall allow any person to appear in a semi-nude condition upon the licensed premises~~  
12           ~~unless the person is twenty-one years of age or older. For purposes of this~~  
13           ~~Subsection, "semi-nude" shall mean the showing of the male or female genitals,~~  
14           ~~pubic area, vulva, or anus with less than a fully opaque covering. For purposes of this~~  
15           ~~Subsection, a "fully opaque covering" shall not be flesh colored, shall not consist of~~  
16           ~~any substance that can be washed off of the skin, including paint or makeup, and~~  
17           ~~shall not simulate the appearance of the anatomical area that it covers, and shall not~~  
18           ~~include any portion of the cleavage of the female breast exhibited by a bikini, dress,~~  
19           ~~blouse, shirt, leotard, or similar apparel.~~

20           F. ~~No permittee shall permit any person to use artificial devices or inanimate~~  
21           ~~objects to depict any of the prohibited activities described above. No permittee shall~~  
22           ~~permit any person to appear upon the licensed premises in a state of nudity. For~~  
23           ~~purposes of this Subsection, "nudity" shall mean the showing of the pubic hair, anus,~~  
24           ~~vulva, or genitals.~~

25           G. ~~The following acts or conduct on licensed premises are deemed to~~  
26           ~~constitute lewd, immoral, or improper entertainment as prohibited by this Section~~  
27           ~~and therefore no on-sale permit for beverages of high alcoholic content shall be held~~  
28           ~~at any premises where such conduct or acts are permitted, including the showing of~~  
29           ~~film, still pictures, electronic reproduction, or other visual reproductions depicting:~~



1       ~~least eighteen inches above the immediate floor level and removed at least three feet~~  
2       ~~from the nearest patron and shall be twenty-one years of age or older. No permittee~~  
3       ~~shall allow any person to appear in a semi-nude condition upon the licensed premises~~  
4       ~~unless the person is twenty-one years of age or older. For purposes of this~~  
5       ~~Subsection, "semi-nude" shall mean the showing of the male or female genitals,~~  
6       ~~pubic area, vulva, or anus with less than a fully opaque covering. For purposes of this~~  
7       ~~Subsection, a "fully opaque covering" shall not be flesh colored, shall not consist of~~  
8       ~~any substance that can be washed off of the skin, including paint or makeup, and~~  
9       ~~shall not simulate the appearance of the anatomical area that it covers, and shall not~~  
10       ~~include any portion of the cleavage of the female breast exhibited by a bikini, dress,~~  
11       ~~blouse, shirt, leotard, or similar apparel.~~

12               F. ~~No permittee shall permit any person to use artificial devices or inanimate~~  
13       ~~objects to depict any of the prohibited activities described above. No permittee shall~~  
14       ~~permit any person to appear upon the licensed premises in a state of nudity. For~~  
15       ~~purposes of this Subsection, "nudity" shall mean the showing of the pubic hair, anus,~~  
16       ~~vulva, or genitals.~~

17               G. ~~The following acts or conduct on licensed premises are deemed to~~  
18       ~~constitute lewd, immoral, or improper entertainment as prohibited by this Section~~  
19       ~~and therefore no on-sale permit for beverages of low alcoholic content shall be held~~  
20       ~~at any premises where such conduct or acts are permitted: including the showing of~~  
21       ~~film, still pictures, electronic reproduction, or other visual reproductions depicting:~~  
22       ~~Subsections E and F of this Section shall only apply to licensed premises that~~  
23       ~~regularly offer live performances or other conduct involving nudity or semi-nudity~~  
24       ~~and shall not apply to performances by burlesque dancers who are scheduled or hired~~  
25       ~~to perform for a live audience.~~

26               (1) ~~Acts or simulated acts of sexual intercourse, masturbation, sodomy,~~  
27       ~~bestiality, oral copulation, flagellation or any sexual acts which are prohibited by~~  
28       ~~law.~~





- (3) The displaying of the pubic hair, anus, vulva, genitals, or nipple of the female breast.

Proposed law retains the present law prohibition on the permittee from allowing any person to engage in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law, but removes the prohibition of touching, caressing or fondling of the breast, buttocks, anus, or genitals, or the displaying of the pubic hair, anus, vulva, genitals, or nipple of the female breast.

Present law further provides that entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least three feet from the nearest patron, and requires such entertainers to be 21 years of age or older.

Proposed law prohibits any permittee from allowing any person to appear in a semi-nude condition upon the licensed premises unless the person is 21 years of age or older.

Proposed law provides definitions for "semi-nude" and "fully opaque covering".

Present law prohibits persons from using artificial devices or inanimate objects to depict any of the prohibited activities provided in present law.

Proposed law deletes present law but prohibits persons from appearing upon the licensed premises in a state of nudity, and defines "nudity" as the showing of the pubic hair, anus, vulva, or genitals.

Present law provides a list of acts or conduct on licensed premises which are deemed to constitute lewd, immoral, or improper entertainment, and prohibits permits for the sale of high and low alcohol for premises where such conduct or acts are permitted.

Proposed law amends present law to provide that the provisions of proposed law only apply to licensed premises that regularly offer live performances or other conduct involving nudity or semi-nudity, and shall not apply to performances by burlesque dancers who are scheduled or hired to perform for a live audience.

Proposed law provides a definition for "human trafficking guardian".

Present law provides for the approval of a Louisiana Responsible Vendor Program, designed to educate vendors and their employees and customers about selling, serving, and consuming alcoholic beverages in a responsible manner and selling and serving tobacco products.

Proposed law retains present law and provides for the program to include issues related to the problem, identification, and reporting of potential or actual victims of human trafficking and available prevention and assistance services.

Proposed law specifies that the server training courses include issues related to human trafficking and techniques to identify and report suspected human trafficking.

Proposed law requires the commissioner to notify permit holders of known illegal activity and to provide notice to the owner to cure the illegal activity.

(Amends R.S. 26:90(D)-(G), R.S. 26:286(D)-(G), and R.S. 26:933(B)(intro. para.); Adds R.S. 26:932(11), 933(C)(9), and 935(D))