

2020 Regular Session

HOUSE BILL NO. 488

BY REPRESENTATIVE STEFANSKI

ALCOHOLIC BEVERAGE PERMT: Provides relative to the hotel and lodging exception permit

1 AN ACT

2 To enact R.S. 26:794.1, relative to the office of alcohol and tobacco control; to provide
3 relative to permits; to provide for exception permits for certain establishments; to
4 provide for qualifications and limitations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:794.1 is hereby enacted to read as follows:

7 §794.1. Permit exception for hotel and lodging establishments

8 A. Notwithstanding any other provision of law to the contrary, an applicant
9 who meets the requirements set forth in R.S. 26:80 and 280 may be issued a permit
10 exception for hotel and lodging establishments, hereinafter referred to as the
11 "permit", for any establishment which consists of sleeping rooms, cottages, or
12 cabins.

13 B.(1) An applicant for the permit shall do all of the following:

14 (a) Meet all requirements of R.S. 26:80 and 280.

15 (b) Pay all fees for a Class A-General permit as required by R.S. 26:71 and
16 271.

17 (c) Comply with the provisions of R.S. 26:77 and 277.

18 (d) Prior to operation, acquire any local alcoholic beverage permit as
19 required by R.S. 26:74 and 274 and obtain written approval from the local governing
20 official to operate as a hotel or lodging establishment.

1 (2) The establishment's location shall meet all of the following requirements:

2 (a) The location shall have a public habitable floor area of no less than five
3 hundred square feet dedicated to the exclusive use of the applicant's business.

4 (b) The restaurant or the dining area's primary function is to serve and take
5 orders for food, food items, and alcoholic beverages which may be served in
6 conjunction with meals for on-premise consumption.

7 (c) The location shall have a permanent wet bar equipped with a
8 non-movable sink and a backbar or similar equipment for public display and to
9 inform the public of brands and flavors offered for sale.

10 (d) The location shall comply with all state and local building, fire, health,
11 and other applicable laws and ordinances.

12 (3) The applicant shall comply with all of the following with respect to its
13 operations:

14 (a) The applicant shall sell food in the designated dining area on all days of
15 operation.

16 (b) The applicant may only sell and offer for sale packaged alcoholic
17 beverages from the designated area, as indicated in its application. The applicant may
18 offer complimentary alcoholic beverages to anyone occupying its sleeping rooms,
19 cottages, or cabins.

20 (c) The applicant shall solely control all alcohol sold and served.

21 (d) The applicant shall maintain control of the sale and service of all
22 alcoholic beverages under its permit and the proceeds from the sale of alcohol may
23 not be shared, whether directly or indirectly, with any third person not listed on the
24 application filed with the office of alcohol and tobacco control.

25 (e) If the applicant fails to purchase alcoholic beverages for more than six
26 months, the applicant shall be required to surrender any and all state alcoholic
27 beverage permits issued by the office of alcohol and tobacco control.

28 (f) Samplings may be conducted in accordance with the site sampling
29 regulations.

1 (g) Prior to being employed by the location, all employees who sell or serve
2 alcohol shall be certified in accordance with the Louisiana Responsible Vendor
3 Program, R.S. 26:931 et seq.

4 (h) The applicant shall fully review and comply with all other provisions of
5 this Title and Title 55 of the Louisiana Administrative Code.

6 C. This permit shall not:

7 (1) Be utilized in lieu of a special event permit.

8 (2) Exempt the applicant from prior approval for any festivals and public
9 events.

10 (3) Be used as a prerequisite to apply for video poker machines.

11 (4) Apply to any change of ownership of the business, including changes to
12 the owner of the applicant, whether in whole or in part. Any such change shall cause
13 this exception permit to be void.

14 D. The applicant shall submit written attestation, under penalty of perjury of
15 all affiliated partners, members, officers, directors, and shareholders that the
16 provisions of Subsection B of this Section have been met.

17 E. The applicant shall submit a notarized certification of eligibility in
18 accordance with this Section on a form provided by the office of alcohol and tobacco
19 control.

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)]

HB 488 Original

2020 Regular Session

Stefanski

Abstract: Creates a permit exception for hotel and lodging establishments and provides for qualifications and limitations in that regard.

Proposed law provides that an applicant who meets certain qualifications set forth in present law may be issued a permit exception for hotel and lodging establishments, hereinafter referred to as "permit", for any establishment which consists of sleeping rooms, cottages, or cabins.

Proposed law provides that the applicant is required to meet certain qualifications provided in proposed law and that the location of the applicant's establishment is required to meet certain requirements set forth in proposed law.

Proposed law provides certain limitations to the applicant's operations provided in proposed law and provides that the permit shall not:

- (1) Be utilized in lieu of a special event permit.
- (2) Exempt applicant from prior approval from any festivals and public events.
- (3) Be used as a prerequisite to apply for video poker machines.
- (4) Apply to any change of ownership of the business, including changes to the owner of the applicant, whether in whole or in part. Any such change requires the exception permit to be void.

Proposed law provides that an applicant shall submit written attestation, under penalty of perjury of all affiliated partners, members, officers, directors, and shareholders that the provisions of proposed law have been met.

Proposed law provides that the applicant shall submit a notarized certification of eligibility in accordance with proposed law on a form provided by the office of alcohol and tobacco control.

(Adds R.S. 26:794.1)