

Regular Session, 2012

HOUSE BILL NO. 1164

BY REPRESENTATIVE HAZEL

ALCOHOLIC BEVERAGE PERMT: Provides relative to qualifications for retail permits

1 AN ACT

2 To amend and reenact R.S. 26:80(A) and (F)(2) and 280(A) and (F)(2), relative to  
3 qualifications of applicants for low and high alcoholic beverage permits; to prohibit  
4 any applicant from obtaining a state or local permit who has been convicted of  
5 crimes involving distribution or possession with intent to distribute certain  
6 substances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:80(A) and (F)(2) and 280(A) and (F)(2) are hereby amended and  
9 reenacted to read as follows:

10 §80. Qualifications of applicants for permits

11 A. Applicants for state and local permits of all kinds shall meet all of the  
12 following qualifications and conditions:

13 (1) Be a person of good character and reputation and over eighteen years of  
14 age.

15 (2) Be a citizen of the United States and the state of Louisiana and a resident  
16 of the state of Louisiana continuously for a period of not less than two years next  
17 preceding the date of the filing of the application. However, the requirements as to  
18 Louisiana citizenship do not apply to wholesalers or retailers who held permits on  
19 or prior to January 1, 1946.

1 (3) Be the owner of the premises, have a bona fide written lease therefor, or  
2 be a commercial lessor or a noncommercial lessor licensed pursuant to R.S. 4:701  
3 et seq., exclusively for the sole purpose of conducting charitable gaming.

4 (4) Have not been convicted of distributing or possessing with the intent to  
5 distribute any controlled dangerous substance classified in Schedule I, as defined by  
6 R.S. 40:964, on any premises licensed pursuant to this Title, where the applicant held  
7 or holds an interest in the licensed business. The prohibition provided for in this  
8 Subsection shall be for the lifetime of the offender.

9 (5) Have not been convicted of a felony under the laws of the United States,  
10 the state of Louisiana, or any other state or country.

11 ~~(5)~~(6) Have not been convicted in this or in any other state or by the United  
12 States or any other country of soliciting for prostitution, pandering, letting premises  
13 for prostitution, contributing to the delinquency of juveniles, keeping a disorderly  
14 place, or illegally dealing in controlled dangerous substances.

15 ~~(6)~~(7) Have not had a license or permit to sell or deal in alcoholic beverages,  
16 issued by the United States, any state, or by any political subdivision of a state  
17 authorized to issue permits or licenses, revoked within two years prior to the  
18 application, or been convicted or had a judgment of court rendered against the  
19 applicant involving alcoholic beverages by this or any other state or by the United  
20 States for two years prior to the application.

21 ~~(7)~~(8) Have not been adjudged by the commissioner, or convicted by a court  
22 of violating any of the provisions of this Chapter.

23 ~~(8)~~(9) Have not been convicted of violating any municipal or parish  
24 ordinances adopted pursuant to the provisions of this Chapter. If the applicant has  
25 been so convicted, the granting of a permit or of a renewal shall be within the  
26 discretion of the commissioner.

27 ~~(9)~~(10) Not be the spouse of a person who does not meet the requirements  
28 of Paragraphs (1) and (3) through ~~(8)~~ (9), and ~~(10)~~ (11) of this Subsection; however,  
29 in such cases the age of the ineligible spouse shall be immaterial.





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(2) 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 as otherwise required pursuant to the provisions of Paragraph (A)~~(4)~~ (5) of this Section, if all of the following criteria are met:

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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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Hazel

HB No. 1164

**Abstract:** Provides for specific qualifications for applicants to obtain alcoholic beverage permits for low alcoholic and high alcoholic content.

Present law requires applicants for state and local permits for low and high alcoholic content to meet the following qualifications and conditions:

- (1) Be a person of good character and reputation and over 18 years of age.
- (2) Be a citizen of the U.S. and the state of La. for a certain period of time.
- (3) Be the owner of the premises, have a bona fide written lease therefor, or be a commercial lessor or a noncommercial lessor licensed pursuant to present law, exclusively for the sole purpose of conducting charitable gaming.
- (4) Have not been convicted of a felony.
- (5) Have not been convicted of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, or illegally dealing in controlled dangerous substances.
- (6) Have not had a license or permit to sell or deal in alcoholic beverages revoked within two years prior to the application or been convicted or had a judgment of court rendered against the applicant involving alcoholic beverages for two years prior to the application.
- (7) Have not been adjudged by the commissioner or convicted by a court of violating any of the provisions of present law.
- (8) Have not been convicted of violating any municipal or parish ordinances adopted pursuant to present law.
- (9) Not be the spouse of a person who does not meet the requirements of present law.
- (10) Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties, or interest.

Proposed law retains present law and adds a lifetime prohibition against the applicant having a conviction of distribution or possession with intent to distribute any controlled dangerous substance classified as a Schedule I, as defined in present law, on any premises licensed where the applicant held or holds an interest in the licensed business.

(Amends R.S. 26:80(A) and (F)(2) and 280(A) and (F)(2))