

ACT No. 291

Regular Session, 2012

HOUSE BILL NO. 1164

BY REPRESENTATIVE HAZEL

1 AN ACT

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

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

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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:

* * *

§280. Qualifications of applicants for permits

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

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

(2) Be a citizen of the United States and of the state of Louisiana and a resident of the state of Louisiana continuously for a period of not less than two years next preceding the date of the filing of the application. However, the requirements as to Louisiana citizenship do not apply to wholesale or retail dealers who have continuously held permits since July 26, 1944.

(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 R.S. 4:701 et seq., exclusively for ~~and for~~ the sole purpose of conducting charitable gaming. In cases where the applicant holds a bona fide written lease, the name and current street address of the lessor shall be shown on the application form filed with the commissioner.

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

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

