

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1036 by Representative Arnold

ALCOHOLIC BEVERAGES: Provides for the donation of alcoholic beverages to certain organizations

Synopsis of Senate Amendments

- 1. Eliminates nonprofit organizations unable to show proof of tax exempt status under U.S. Internal Revenue Code 501(c)(6) from eligibility for Type B permits.
- 2. Provides for technical amendments.

Digest of Bill as Finally Passed by Senate

Present law requires alcoholic beverages of high alcoholic content that are given away for advertising or any other purpose to be taxed.

Proposed law authorizes any person or dealer to donate alcoholic beverages to a licensed Type A special event or an unlicensed civic, religious, or charitable organization subject to the payment of any applicable excise taxes.

Present law authorizes the commissioner to issue by regulation temporary permits for a duration of three consecutive days only and no more than 12 such permits issued to any one person within a single calendar year to serve alcoholic beverages at fairs, festivals, civic and fraternal and religious events, Mardi Gras events, and nonprofit functions, and requires fees for the permits to be provided by regulation.

Proposed law retains present law and creates three types of temporary alcoholic beverage retail permits.

Proposed law requires Type A permits to be issued only to nonprofit organizations with tax exempt status under Sections 501(c)(3) and 501(c)(8) of the Internal Revenue Code (IRC), where no transactions exist, whether directly or indirectly, between the licensed tax exempt organizations and any disqualified person as defined under the IRC, and requires the applicants to submit all documentation as required in the regulations promulgated in accordance with the Administrative Procedure Act or upon the request of the commissioner.

Proposed law requires Type B permits to be issued only to nonprofit organizations which are able to provide written proof of their nonprofit status, but are unable to show written proof of their tax exempt status under Sections 501(c)(3) and 501(c)(8) of the IRC, and requires the applicants to submit all documentation as required in the regulations promulgated in accordance with the Administrative Procedure Act or upon the request of the commissioner.

Proposed law requires Type C permits to be issued to persons holding events where alcoholic beverages are sold or supplied as part of a general admission or other type fee, but who do not meet the requirements for Type A or Type B temporary permits, and requires the applicants to submit all documentation as required in the regulations promulgated in accordance with the Administrative Procedure Act or upon the request of the commissioner.

Proposed law amends the definition of "vendor" to provide that it does not include any holder of a Type A or Type B temporary alcoholic beverage permit issued pursuant to proposed law.

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

(Amends R.S. 26:352, 793(A)(1), and 932(4) and (10))