

Regular Session, 2012

HOUSE BILL NO. 226

BY REPRESENTATIVE ARNOLD

ALCOHOLIC BEVERAGE PERMT: Authorizes the suspension or revocation of alcoholic beverage permits for supplying false information or failing to provide information

1 AN ACT

2 To amend and reenact R.S. 26:91(A)(2) and 287(A)(1)(a), relative to the suspension or
3 revocation of alcoholic beverage permits; to authorize the suspension or revocation
4 of low and high content alcoholic permits for intentionally failing to provide
5 information or documentation or knowingly supplying false information pertaining
6 to suitability determinations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:91(A)(2) and 287(A)(1)(a) are hereby amended and reenacted to
9 read as follows:

10 §91. Additional causes for suspension or revocation of permits; fines

11 A. In addition to any other causes enumerated in this Chapter, the
12 commissioner may suspend or revoke any permit for any one of the following
13 causes:

14 * * *

15 (2)(a) If there was any misstatement or suppression of fact in the application
16 for the permit,

17 (b) If the applicant, licensee, or any other person required to meet the
18 qualifications of an applicant, with the intent to misstate or suppress, fails to provide
19 information and documentation, known at the time of application or discovered any

1 time after the issuance of a permit, that may reveal any fact material to a suitability
2 determination.

3 (c) If any person knowingly supplies information, during the initial
4 application or following the issuance of a permit, which is false or misleading as to
5 a material fact pertaining to the provisions of R.S. 26:80.

6 * * *

7 §287. Additional causes for suspension or revocation of permits

8 A. In addition to any other causes enumerated in this Chapter, the
9 commissioner may suspend or revoke any permit for any of the following causes:

10 (1)(a)(i) If there was any misstatement or suppression of fact in the
11 application for the permit,

12 (ii) If the applicant, licensee, or any other person required to meet the
13 qualifications of an applicant, with the intent to misstate or suppress, fails to provide
14 information and documentation, known at the time of application or discovered any
15 time after the issuance of a permit, that may reveal any fact material to a suitability
16 determination.

17 (iii) If any person knowingly supplies information, during the initial
18 application or following the issuance of a permit, which is false or misleading as to
19 a material fact pertaining to the provisions of R.S. 26:280.

20 * * *

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)]

Arnold

HB No. 226

Abstract: Authorizes the commissioner of alcohol and tobacco control to revoke or suspend any permit for any person who intentionally fails to provide material documentation or knowingly provides false or misleading information during the application process.

Present law authorizes the commissioner to suspend or revoke any low or high alcoholic content permit if there is a misstatement or suppression of fact in the application for the permit.

Proposed law retains present law and further authorizes the suspension or revocation of any permit for an applicant that has intent to misstate or suppress information that may reveal any fact that is material to a suitability determination, or for knowingly supplying information that is false or misleading as to a material fact pertaining to the provisions of law that provide for the qualifications of applicants for permits.

(Amends R.S. 26:91(A)(2) and 287(A)(1)(a))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Added a provision that requires the applicant to have intent to misstate or suppress information and documentation or to knowingly supply false or misleading information relative to the application for a permit or after issuance of the permit.