

2016 Regular Session

HOUSE BILL NO. 67

BY REPRESENTATIVES BACALA AND BERTHELOT

ALCOHOLIC BEVERAGES: Provides relative to the possession and consumption of alcoholic beverages by persons under the age of 18

1 AN ACT

2 To enact R.S. 14:93.12.1, relative to the unlawful possession of alcoholic beverages; to  
3 provide relative to the crime prohibiting possession or consumption of alcoholic  
4 beverages by a person under eighteen years of age; to provide for exceptions; to  
5 provide for criminal penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:93.12.1 is hereby enacted to read as follows:

8 §93.12.1. Purchase and public possession of alcoholic beverages by persons under  
9 eighteen years of age; exceptions; penalties

10 A. Notwithstanding R.S. 14:93.12 or any other provision of law to the  
11 contrary, no person under the age of eighteen years may possess or consume an  
12 alcoholic beverage unless such person is under the direct supervision of a parent or  
13 legal guardian who is twenty-one years of age or older, or unless the possession or  
14 consumption is for:

15 (1) An established religious purpose.

16 (2) Medical purposes when purchased as an over the counter medication, or  
17 when prescribed or administered by a licensed physician, pharmacist, dentist, nurse,  
18 hospital, or medical institution.

19 (3) When possession is pursuant to employment by a duly licensed  
20 manufacturer, wholesaler, or retailer of alcoholic beverages.

1           B. For purposes of this Section, "legal guardian" means a person appointed  
 2           by a court to make decisions regarding the support, care, education, health, or  
 3           welfare of a person.

4           C.(1) Whoever violates the provisions of this Section, on a first offense, shall  
 5           be fined not more than twenty-five dollars.

6           (2) Whoever violates the provisions of this Section, on a second or  
 7           subsequent offense, shall be fined not more than one hundred dollars.

#### 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 67 Engrossed

2016 Regular Session

Bacala

**Abstract:** Prohibits the possession and consumption of alcoholic beverages by persons under the age of 18 years except in certain circumstances.

Present law (R.S. 14:93.12) prohibits the "public possession" of any alcoholic beverage by persons under 21 years of age and defines "public possession" as the possession of any alcoholic beverage for any reason including consumption, on any street, highway, or waterway or in any public place or any place open to the public, including a club which is de facto open to the public. However, present law provides that "public possession" does not include the possession or consumption of any alcoholic beverage:

- (1) For an established religious purpose.
- (2) When a person under 21 years of age is accompanied by a parent, spouse, or legal guardian 21 years of age or older.
- (3) For medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.
- (4) In a private residence, which shall include a residential dwelling and up to 20 contiguous acres, on which the dwelling is located, owned by the same person who owns the dwelling.

Proposed law retains present law as it pertains to persons who are at least 18 years of age but not yet 21 years. For those under the age of 18 years, proposed law provides the following exceptions to the general prohibition of public possession of alcohol:

- (1) The person is under the direct supervision of a parent or legal guardian who is 21 years of age or older.
- (2) An established religious purpose.
- (3) Medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

- (4) When possession is pursuant to employment by a duly licensed manufacturer, wholesaler, or retailer of alcoholic beverages.

Proposed law provides that for a first offense, the offender shall be fined not more than \$25, and for a second or subsequent offense, the offender shall be fined not more than \$100.

(Adds R.S. 14:93.12.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Amend the penalties to remove the term of imprisonment and provide a fine of up to \$25 for a first offense and a fine of up to \$100 for any subsequent offense.