

2020 Second Extraordinary Session

SENATE BILL NO. 19

BY SENATOR TALBOT

FEES/LICENSES/PERMITS. Provides an exemption to certain permit fees collected by the Office of Alcohol and Tobacco Control. (gov sig) (Item #35)

1 AN ACT
2 To enact R.S. 26:71(A)(3)(f) and 271(A)(7), relative to the Alcoholic Beverage Control
3 Law; to provide for Class A-General permit fee payments; to provide for Class
4 A-General malt beverages or beverages of low alcoholic content permit fee
5 payments; to provide for permit fee credits and refunds under certain exceptions
6 related to COVID-19; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:71(A)(3)(f) and 271(A)(7) are hereby enacted to read as follows:

9 §71. Permits required; fees; exception

10 A. Except as provided in Subsections B and C of this Section, before
11 engaging in the business of manufacturing, supplying, or dealing in alcoholic
12 beverages, all persons shall obtain from the commissioner, according to established
13 rules and regulations, a permit to conduct each separate business and shall pay the
14 commissioner a fee not to exceed the amounts provided for in the following schedule
15 and in accordance with regulations promulgated pursuant to the provisions of the
16 Administrative Procedure Act for each year the permit is valid:

17 * * *

1 (3) Retailers - (a) There shall be three types of Class A retail liquor permits:

2 * * *

3 **(f) COVID-19 exceptions**

4 **(i) Notwithstanding Item (a)(i) and Subparagraph (e) of this Paragraph,**
5 **a Class A-General permit holder that timely paid its permit fees due to the**
6 **commissioner during the 2020 calendar year, shall have its permit fees due**
7 **during the 2021 calendar year waived.**

8 **(ii) Notwithstanding Item (a)(i) and Subparagraph (e) of this Paragraph,**
9 **a Class A-General permit holder that timely paid its permit fees due to the**
10 **commissioner during the 2020 calendar year, subsequently surrendered its**
11 **permit to the commissioner during the 2020 calendar year, and was in good**
12 **standing with the commissioner at the time of the surrender, shall be issued a**
13 **refund in the amount paid no later than December 31, 2020.**

14 * * *

15 §271. Permits required; fees

16 A. Before engaging in the business of dealing in malt beverages or beverages
17 of low alcoholic content, all manufacturers, wholesale and retail dealers, and
18 microbrewers shall obtain from the commissioner, according to established rules and
19 regulations, a permit to conduct each separate manufacturing, wholesale, retail, or
20 microbrewery business and shall pay for each permit a fee not to exceed the amounts
21 provided for in the following schedule and in accordance with regulations
22 promulgated pursuant to the provisions of the Administrative Procedure Act for each
23 year the permit is valid:

24 (1) * * *

25 **(7) COVID-19 exceptions**

26 **(i) Notwithstanding Subparagraph (a) of Paragraph (2) of this**
27 **Subsection, a Class A-General permit holder that timely paid its permit fees due**
28 **to the commissioner during the 2020 calendar year, shall have its permit fees**
29 **due during the 2021 calendar year waived.**

1 **(ii) Notwithstanding Subparagraph (a) of Paragraph (2) of this**
 2 **Subsection, a Class A-General permit holder that timely paid its permit fees due**
 3 **to the commissioner during the 2020 calendar year, subsequently surrendered**
 4 **its permit to the commissioner during the 2020 calendar year, and was in good**
 5 **standing with the commissioner at the time of the surrender, shall be issued a**
 6 **refund in the amount paid no later than December 31, 2020.**

7 * * *

8 Section 2. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 19 Original

2020 Second Extraordinary Session

Talbot

Present law provides that a Class A-General retail (bar) permit is issued only to a retail outlet where beverage alcohol is sold for consumption on the premises by paying customers, and:

- (1) Equipped with a permanent wet bar equipped with a non-movable sink and a backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale.
- (2) Staffed by a bartender whose primary duty is to open and/or prepare beverage alcohol products for consumption on the premises by paying customers, or prepared with an appropriate lid or cover on the container for take out service.
- (3) Issued only to an establishment where no person under the age of 18 years is allowed on the premises.

Present law provides that before engaging in the bar business, all persons are required to obtain from the commissioner the office of alcohol and tobacco control (ATC), a Class A-General retail permit to conduct each separate business and pay the commissioner a fee of \$200 per location in any city and \$100 per location in a town, village, or unincorporated place for each year the permit is valid.

Present law further requires a fee of \$100 for each \$100,000 of gross retail liquor sales (after the first \$100,000 of gross retail liquor sales), up to \$600.

Proposed law provides that notwithstanding present law, a Class A-General permit holder that timely paid its permit fees due to the commissioner during the 2020 calendar year, shall have its permit fees due during the 2021 calendar year waived.

Proposed law provides that notwithstanding present law, a Class A-General permit holder that timely paid its permit fees due to the commissioner during the 2020 calendar year, subsequently surrendered its permit to the commissioner during the 2020 calendar year, and was in good standing with the commissioner at the time of the surrender, shall be issued a refund in the amount paid no later than December 31, 2020.

Present law defines "beverages of low alcoholic content" as alcoholic beverages containing not more than six percent alcohol by volume.

Present law requires that a Class A-General permit holder dealing in malt beverages or beverages of low alcoholic content obtain from the commissioner a permit to conduct each separate business and pay a permit fee for each location in the amount of \$70.

Proposed law provides that notwithstanding present law, a Class A-General permit holder that timely paid its malt beverages or beverages of low alcoholic content permit fees due to the commissioner during the 2020 calendar year, shall have its permit fees due during the 2021 calendar year waived.

Proposed law provides that notwithstanding present law, a Class A-General permit holder that timely paid its malt beverages or beverages of low alcoholic content permit fees due to the commissioner during the 2020 calendar year, subsequently surrendered its permit to the commissioner during the 2020 calendar year, and was in good standing with the commissioner at the time of the surrender, shall be issued a refund in the amount paid no later than December 31, 2020.

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

(Adds R.S. 26:71(A)(3)(f) and 271(A)(7))