

2020 Second Extraordinary Session

SENATE BILL NO. 24

BY SENATOR TALBOT

FEES/LICENSES/PERMITS. Provides an exemption to certain fees collected by the Louisiana Department of Health. (gov sig) (Item #32)

1 AN ACT

2 To enact R.S. 40:31.37(J), relative to licensing and permit fees; to provide for an exemption  
3 or refund for fees paid by certain businesses closed due to COVID-19; to provide for  
4 an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:31.37(J) is hereby enacted to read as follows:

7 §31.37. Retail food establishment fees

8 \* \* \*

9 **J. Any applicant who timely paid the applicable permit fees and**  
10 **obtained a permit pursuant to this Section that was effective on March 17, 2020,**  
11 **shall be eligible for one of the following:**

12 **(1) A reduction in the amount of the next regularly scheduled permit**  
13 **renewal fee if the applicant's business establishment was required to**  
14 **temporarily cease retail operations pursuant to Proclamation Number 30 JBE**  
15 **2020, or any subsequent proclamation declaring the existence of a statewide**  
16 **COVID-19 public health emergency. The amount of the reduction shall be**  
17 **based on the number of days during calendar year 2020 that the business**

1           establishment was required to temporarily cease operations pursuant to these  
 2           proclamations.

3           (2) A refund by the department of the fee paid for the permit that was  
 4           in effect if a permitted business establishment has permanently closed as a  
 5           result of the mandate to temporarily cease retail operations pursuant to  
 6           Proclamation Number 30 JBE 2020, or any subsequent proclamation declaring  
 7           the existence of a statewide COVID-19 public health emergency, on a pro rata  
 8           basis for the number of days during calendar year 2020 that the permit holder  
 9           was required to temporarily cease operations pursuant to these proclamations.

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

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The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Curry J. Lann.

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#### DIGEST

SB 24 Reengrossed

2020 Second Extraordinary Session

Talbot

Present law provides for the issuance of permits by the La. Department of Health for retail food establishments.

Proposed law retains present law and further provides that any applicant who timely paid the applicable permit fees and obtained a permit that was effective on March 17, 2020, shall be eligible for one of the following:

- (1) A reduction in the amount of the next regularly scheduled permit renewal fee if the applicant's business establishment was required to temporarily cease retail operations pursuant to Proclamation Number 30 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency. The amount of the reduction is based on the number of days during calendar year 2020 that the business establishment was required to temporarily cease operations.
- (2) A refund of the fee paid for the permit that was in effect if a permitted business establishment has permanently closed as a result of the mandate to temporarily cease retail operations pursuant to Proclamation Number 30 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency, on a pro rata basis for the number of days during calendar year 2020 that the permit holder was required to temporarily cease operations.

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

(Adds R.S. 40:31.37(J))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Removes all provisions referencing the office of alcohol and tobacco control.

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the engrossed bill

1. Changes the exemption from the permit fee to a reduction in the amount of the fee based on the number of days during calendar year 2020 that the permit holder was required to temporarily cease operations.
2. Specifies that refunds for permanently closed businesses are made on a pro rata basis for the number of days during calendar year 2020 that the permit holder was required to temporarily cease operations.
3. Makes technical corrections.