

SENATE BILL NO. 262

BY SENATOR MORRELL

1 AN ACT

2 To amend and reenact R.S. 26:80 (A)(introductory paragraph), (1) and (6) through (10),  
3 (F)(1) and the introductory paragraph of (F)(2), and (H)(1), and 280(A) (introductory  
4 paragraph), (1) and (6) through (10), (F)(1) and the introductory paragraph of (F)(2),  
5 and (H)(1), and 286(A)(9) and to enact R.S. 26:80(A)(11), (I), and (J), and 90(K),  
6 and 280(A)(11), (I), and (J), relative to the office of alcohol and tobacco control; to  
7 provide relative to the qualifications of applicants for alcoholic beverage permits; to  
8 provide relative to the consideration of arrests of applicants; to provide for certain  
9 exceptions relative to qualifications of applicants; to provide relative to the duty of  
10 licensees and permittees to provide certain information to the commissioner; to  
11 provide relative to the sale of certain beverages in automatic mechanical vending  
12 machines; to require the commissioner to promulgate rules to accomplish such sales,  
13 including provisions to prevent access by certain individuals; and to provide for  
14 related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 26:80(A)(introductory paragraph), (1) and (6) through (10), (F)(1)  
17 and the introductory paragraph of (F)(2), and (H)(1) and 280(A)(introductory paragraph),  
18 (1) and (6) through (10), (F)(1) and the introductory paragraph of (F)(2), (H)(1), and  
19 286(A)(9) are hereby amended and reenacted, and R.S. 26:80(A)(11), (I), and (J), and  
20 (90)(K), and 280(A)(11), (I), and (J) are hereby enacted to read as follows:

21 §80. Qualifications of applicants for permits

22 A. Applicants for state and local permits of all kinds shall **demonstrate that**  
23 **they** meet all of the following qualifications and conditions:

1 (1) Be a person of good character and reputation and over eighteen years of  
 2 age. In considering a person's good character or reputation, the commissioner  
 3 may consider a person's arrests in determining suitability.

4 \* \* \*

5 (6) If also applying for a video gaming license under the provisions of  
 6 Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950, have not been  
 7 convicted in this or in any other state or by the United States or any other  
 8 country of theft or any crime involving false statements or declarations, or  
 9 gambling as defined by the laws and ordinances of any municipality, any parish,  
 10 any state, or the United States.

11 (7) Have not had a license or permit to sell or deal in alcoholic beverages,  
 12 issued by the United States, any state, or by any political subdivision of a state  
 13 authorized to issue permits or licenses, revoked within two years prior to the  
 14 application, or been convicted or had a judgment of court rendered against the  
 15 applicant involving alcoholic beverages by this or any other state or by the United  
 16 States for two years prior to the application.

17 ~~(7)~~(8) Have not been adjudged by the commissioner, or convicted by a court  
 18 of violating any of the provisions of this Chapter.

19 ~~(8)~~(9) Have not been convicted of violating any municipal or parish  
 20 ordinances adopted pursuant to the provisions of this Chapter. If the applicant has  
 21 been so convicted, the granting of a permit or of a renewal shall be within the  
 22 discretion of the commissioner.

23 ~~(9)~~(10) Not be the spouse of a person who does not meet the requirements of  
 24 Paragraphs (1) and (3) through ~~(8)~~; (9), and ~~(10)~~(11) of this Subsection; however, in  
 25 such cases the age of the ineligible spouse shall be immaterial.

26 ~~(10)~~(11) Not owe the state or the local governmental subdivisions in which  
 27 the application is made any delinquent sales taxes, penalties, or interest, excluding  
 28 items under formal appeal pursuant to applicable statutes.

29 \* \* \*

30 F.(1) (a) Notwithstanding the provisions of Subsections A and B, a permit

1 may be granted by the commissioner if the applicant has been pardoned, has had any  
 2 misdemeanor conviction discharged or dismissed, or the applicant's civil rights have  
 3 been restored, or, if the applicant is a firm, association, partnership, trust, domestic  
 4 or foreign corporation, or other legal entity, the applicant has terminated its  
 5 relationship with the person or persons whose action directly contributed to the  
 6 applicant's conviction.

7 **(b) The provisions of Subparagraph(a) of this Paragraph shall not apply**  
 8 **to any applicant who is also applying for a video gaming license under the**  
 9 **provisions of Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950.**

10 (2) In the granting of a permit, a conviction or plea of guilty or nolo  
 11 contendere by the applicant shall not constitute an automatic disqualification of the  
 12 applicant as otherwise required pursuant to the provisions of Paragraphs (A)(4), (5),  
 13 **and (6)** of this Section, if all of the following criteria are met:

14 \* \* \*

15 H.(1) In order to determine suitability, the applicant, members of a  
 16 partnership recognized by Louisiana law, the officers and directors of a corporation,  
 17 the stockholders of a corporation, and members of a limited liability company  
 18 owning more than five percent of such a corporation or company shall be  
 19 fingerprinted. If no disqualifying record is identified at the state level, the  
 20 fingerprints shall be forwarded by the Department of Public Safety and Corrections,  
 21 ~~Public Safety Services~~ **public safety services**, office of state police, to the Federal  
 22 Bureau of Investigation (F.B.I.) for a national criminal history record check.

23 \* \* \*

24 **I. All licensees and persons required to be qualified pursuant to the**  
 25 **provisions of this Chapter shall have a continuing duty to inform the**  
 26 **commissioner of any action which they believe would constitute a violation of**  
 27 **this Chapter. No person who so informs the commissioner shall be**  
 28 **discriminated against by an applicant or licensee because of supplying such**  
 29 **information.**

30 **J. All licensees and any other persons who have been found suitable in**

1 accordance with the provisions of this Section shall maintain suitability  
2 throughout the term of the license.

3 \* \* \*

4 §90. Acts prohibited on licensed premises; suspension or revocation of permits

5 \* \* \*

6 K. Allow the sale, dispensing, or distribution of beverages of high  
7 alcoholic content in any type of automatic mechanical vending machine  
8 activated by the use of a coin, token, or similar instrument except in Class A  
9 establishments pursuant to rules promulgated by the commissioner in  
10 accordance with the Administrative Procedure Act. Such rules shall include  
11 procedures for the prevention of access to the machines by underage or  
12 intoxicated persons. The provisions of this Subsection shall not apply to  
13 establishments exempt from holding permits under this Chapter.

14 \* \* \*

15 §280. Qualifications of applicants for permits

16 A. Applicants for state and local permits of all kinds shall **demonstrate that**  
17 **they** meet the following qualifications and conditions:

18 (1) Be a person of good character and reputation and over eighteen years of  
19 age. In considering a person's good character or reputation, the commissioner  
20 may consider a person's arrests in determining suitability.

21 \* \* \*

22 (6) If the applicant is also applying for a video gaming license under the  
23 provisions of Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950,  
24 have not been convicted in this or in any other state or by the United States or  
25 any other country of theft or any crime involving false statements or  
26 declarations, or gambling as defined by the laws and ordinances of any  
27 municipality, any parish, any state, or the United States.

28 (7) Have not had a license or permit to sell or deal in alcoholic beverages,  
29 issued by the United States, any state, or by any political subdivision of a state  
30 authorized to issue permits or licenses, revoked within two years prior to the

1 application, or been convicted, or had a judgment of court rendered against the  
 2 applicant involving alcoholic beverages by this or any other state or by the United  
 3 States for two years prior to the application.

4 ~~(7)~~(8) Have not been convicted of violating any of the provisions of this  
 5 Chapter.

6 ~~(8)~~(9) Have not been convicted of violating any municipal or parish  
 7 ordinance relating to beverages of low alcoholic content adopted pursuant to the  
 8 provisions of R.S. 26:493. In such a case, the granting or denial of a permit is within  
 9 the discretion of the local licensing authorities.

10 ~~(9)~~(10) Not owe the state or the local governmental subdivisions in which the  
 11 application is made any delinquent sales taxes, penalties, or interest excluding items  
 12 under formal appeal pursuant to applicable statutes.

13 ~~(10)~~(11) Not be the spouse of a person who does not meet the requirements  
 14 of Paragraphs (1) and (3) through ~~(9)~~(10) of this Subsection; however, in such cases  
 15 the age of the ineligible spouse shall be immaterial.

16 \* \* \*

17 F.(1)(a) Notwithstanding the provisions of Subsections A and B, a permit  
 18 may be granted by the commissioner if the applicant has been pardoned, has had any  
 19 misdemeanor conviction discharged or dismissed, or the applicant's civil rights have  
 20 been restored, or, if the applicant is a firm, association, partnership, trust, domestic  
 21 or foreign corporation, or other legal entity, the applicant has terminated its  
 22 relationship with the person or persons whose action directly contributed to the  
 23 applicant's conviction.

24 **(b) The provisions of Subparagraph (a) of this Paragraph shall not apply**  
 25 **to any applicant who is also applying for a video gaming license under the**  
 26 **provisions of Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950.**

27 (2) In the granting of a permit, a conviction or plea of guilty or nolo  
 28 contendere by the applicant shall not constitute an automatic disqualification of the  
 29 applicant as otherwise required pursuant to the provisions of Paragraphs (A)(4), (5),  
 30 **and (6)** of this Section, if all of the following criteria are met:

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H.(1) In order to determine suitability, the applicant, members of a partnership recognized by Louisiana law, officers and directors of a corporation, the stockholders of a corporation, and members of a limited liability company owning more than five percent of such corporations and companies shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety and Corrections, ~~Public Safety Services~~, **public safety services**, office of state police, to the Federal Bureau of Investigation (F.B.I.) for a national criminal history record check.

\* \* \*

**I. All licensees and persons required to be qualified pursuant to the provision of this Chapter shall have a continuing duty to inform the commissioner of any action which they believe would constitute a violation of this Chapter. No person who so informs the commissioner shall be discriminated against by an applicant or licensee because of supplying such information.**

**J. All licensees and any other persons who have been found suitable in accordance with the provisions of this Section shall maintain suitability throughout the term of the license.**

\* \* \*

§286. Acts prohibited on licensed premises; suspension or revocation of permits

A. No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do any of the following acts upon the licensed premises:

\* \* \*

(9) Allow the sale, dispensing, or distribution of beverages of low alcoholic content in any type of automatic mechanical vending machine activated by the use of a coin, token, or similar instrument, **except in Class A establishments in accordance with rules promulgated pursuant to the Administrative Procedure Act. Such rules shall include procedures for the prevention of access to the**

