

Regular Session, 2003

HOUSE BILL NO. 825

BY REPRESENTATIVE CROWE

ALCOHOLIC BEVERAGES: Prohibits persons under 21 years of age from being present at certain establishments where alcoholic beverages are served

1 AN ACT

2 To amend and reenact R.S. 26:71.1(1)(d) and 271.2(1)(d) and to enact Section  
3 5 of Subpart B of Part V of Title 14 of the Louisiana Revised Statutes  
4 of 1950, to be comprised of R.S. 14:93.21, and R.S. 26:91.1 and 287.1,  
5 all relative to the regulation of alcoholic beverages; to prohibit the  
6 presence of persons under twenty-one years of age at certain drinking  
7 establishments; to provide for the crime of unlawful presence at a  
8 drinking establishment; to provide for definitions; to provide for  
9 exceptions; to provide for penalties; to provide for revocation or  
10 suspension of certain permits; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Section 5 of Subpart B of Part V of Title 14 of the Louisiana  
13 Revised Statutes of 1950, comprised of R.S. 14:93.21, is hereby enacted to  
14 read as follows:

15 5. UNLAWFUL PRESENCE IN CERTAIN ESTABLISHMENTS

16 WHERE ALCOHOLIC BEVERAGES ARE SOLD

17 §93.21. Unlawful presence of a person under age of twenty-one years;  
18 establishments serving alcoholic beverages

19 A. It is unlawful for any person under twenty-one years of age  
20 to be present at a drinking establishment. It is also unlawful for any



1 provided in ~~R.S. 26:90(A)(8)(a)~~ R.S. 26:90(A)(3) and (8)(a) and  
2 91.1(B).

3 \* \* \*

4 §91.1. Acts prohibited on premises with a Class A-General permit;  
5 persons eighteen years of age and under the age of twenty-one  
6 years; exceptions; suspension or revocation of permits

7 A. The provisions of this Section providing for the suspension  
8 or revocation of permits shall be in addition to the causes enumerated  
9 in R.S. 26:90 and 91.

10 B.(1) No person holding a retail dealer's Class A-General permit  
11 and no agent, associate, employee, representative, or servant of any  
12 such person shall intentionally entice, aid, or permit any person  
13 eighteen years of age or older but under twenty-one years of age to visit  
14 or loiter in or about any establishment with a Class A-General permit.

15 (2) The provisions of this Section shall not prohibit the presence  
16 of any person of eighteen years of age or older but under the age of  
17 twenty-one years on or about an establishment with a Class A-General  
18 permit for any function sponsored by a religious or charitable  
19 organization with tax-exempt status under 26 USC 501(c)(3) or by a  
20 fraternal beneficiary society with tax-exempt status under 26 USC  
21 501(c)(8), provided that no alcoholic beverages are sold, handled, given  
22 away, or accessible during the presence of any such person.

23 (3) The provisions of this Section shall not prohibit the  
24 presence of any person of the age of eighteen years or older but under  
25 the age of twenty-one years on or about an establishment with a Class  
26 A-General permit under any of the following circumstances:

1           (a) When the person is accompanied by a parent, spouse, or  
2           legal guardian twenty-one years of age or older.

3           (b) When the person is involved in the sale, handling, transport,  
4           delivery, or service in dispensing of any alcoholic beverage as the  
5           owner or lawful employee of a duly licensed manufacturer, wholesaler,  
6           or retailer of alcoholic beverages.

7           (c) When the person is the lawful owner of the establishment.

8           (d) When the person is lawfully employed by the establishment  
9           and is present in the establishment in performance of his duties.

10          (e) When the person is a law enforcement officer or security  
11          guard who is entering the premises in the performance of his official  
12          duties.

13          (f) When the person is involved in the transporting or providing  
14          of any goods or services to the establishment.

15          (g) When the person is attending a wedding reception being  
16          held at the establishment.

17          C. A violation of this Section by a retail dealer's agent,  
18          associate, employee, representative, or servant shall be considered an  
19          act of the retail dealer for purposes of suspension or revocation of a  
20          permit.

21          D. A violation of this Section is punishable as provided in R.S.  
22          26:171 and is also sufficient cause for the suspension or revocation of  
23          a permit.

24          E. Notwithstanding the issuance of a permit by way of renewal,  
25          the commissioner may revoke or suspend such permit, as prescribed by



1 of twenty-one years on or about an establishment with a Class A-  
2 General permit for any function sponsored by a religious or charitable  
3 organization with tax-exempt status under 26 USC 501(c)(3) or by a  
4 fraternal beneficiary society with tax-exempt status under 26 USC  
5 501(c)(8), provided no alcoholic beverages are sold, handled, given  
6 away, or accessible during the presence of any such person.

7 (3) The provisions of this Section shall in no way prohibit the  
8 presence of any person who is eighteen years of age or older but under  
9 the age of twenty-one years on or about an establishment with a Class  
10 A-General permit under any of the following circumstances:

11 (a) When the person is accompanied by a parent, spouse, or  
12 legal guardian who is twenty-one years of age or older.

13 (b) When the person is involved in the sale, handling, transport,  
14 delivery, or service in dispensing of any alcoholic beverage as the  
15 owner or lawful employee of a duly licensed manufacturer, wholesaler,  
16 or retailer of alcoholic beverages.

17 (c) When the person is the lawful owner of the establishment.

18 (d) When the person is lawfully employed by the establishment  
19 and is present in the establishment in performance of his duties.

20 (e) When the person is a law enforcement officer or security  
21 guard who is entering the premises in the performance of his official  
22 duties.

23 (f) When the person is involved in the transporting or providing  
24 of any goods or services to the establishment.

25 (g) When the person is attending a wedding reception being  
26 held at the establishment.

1           C. A violation of this Section by a retail dealer's agent,  
2           associate, employee, representative, or servant shall be considered an  
3           act of the retail dealer for purposes of suspension or revocation of a  
4           permit.

5           D. A violation of this Section is punishable as provided in R.S.  
6           26:521 and is also sufficient cause for the suspension or revocation of  
7           a permit.

8           E. Notwithstanding the issuance of a permit by way of renewal,  
9           the commissioner may revoke or suspend such permit, as prescribed by  
10          this Chapter, for any violation of this Section occurring during the  
11          permit period immediately preceding the issuance of such permit.

12          Section 3. This Act shall become effective upon signature by the  
13          governor or, if not signed by the governor, upon expiration of the time for bills  
14          to become law without signature by the governor, as provided in Article III,  
15          Section 18 of the Constitution of Louisiana. If vetoed by the governor and  
16          subsequently approved by the legislature, this Act shall become effective on  
17          the day following such approval.

---

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

---

Crowe

HB No. 825

**Abstract:** Establishes the crimes of unlawful presence of a person under 21 years of age at establishments serving alcoholic beverages and the unlawful permitting of anyone under 21 years of age in these specified establishments and provides exceptions.

Present law prohibits the purchase by, purchase on behalf of, and sale of alcoholic beverages to persons under the age of 21.

Proposed law retains these provisions of present law and further creates the crime of unlawful presence of persons under the age of 21 in a drinking establishment. Defines "drinking establishment" and provides for penalties and exceptions.

Present law provides for the issuance of Class A-General retail permits to certain establishments where alcoholic beverages are sold. Also provides for the issuance of Class A-General permits to establishments which sell beverages of low alcoholic content and for issuance of microbrewer permits.

Present law provides that Class A-General retail permits shall only be issued to establishments where persons under 18 years of age are not allowed on the premises except as otherwise provided by present law relative to a musician performing in a band.

Present law prohibits any person with a retail dealer's permit from intentionally permitting or enticing persons under 18 to visit or loiter about the premises where alcoholic beverages are the principal commodity sold, handled, or given away. Also prohibits employment of anyone under the age of 18 in establishments where the sale of alcoholic beverages is the primary business. Allows for exceptions when certain religious or charitable functions are involved and alcoholic beverages are not available.

Present law further prohibits persons under the age of 18 years from working on the premises unless they are musicians performing in a band under contract and are under direct supervision of a parent or legal guardian. Provides that if the sale of alcoholic beverages is not the main business of the establishment, persons under the age of 18 years may be employed to perform certain duties.

Proposed law retains present law for all holders of a retail dealer's permit. Additionally includes the following provisions relative to the presence of and employment of person between the ages of 18 and 21 at an establishment with a Class A-General permit:

- (1) Prohibits such establishments from intentionally permitting or enticing persons 18 years of age or older and under the age of 21 years to visit or loiter about the premises.
- (2) Makes the following additional exceptions from the provisions of (1):
  - (a) When the person is on the premises for a function sponsored by a religious or charitable organization or by a fraternal beneficiary society with federal tax-exempt status when no alcoholic beverages are sold, handled, given away, or accessible.
  - (b) When the person is accompanied by a parent, spouse, or legal guardian 21 years of age or older.
  - (c) When the person is involved in the sale, handling, transport, delivery, or service in dispensing of any alcoholic beverage as the owner or lawful employee of a duly licensed manufacturer, wholesaler, or retailer of alcoholic beverages.

- (d) When the person is the lawful owner of the establishment.
  - (e) When the person is lawfully employed by the establishment and is present in the establishment in performance of his duties.
  - (f) When the person is a law enforcement officer or security guard who is entering the premises in the performance of his official duties.
  - (g) When the person is involved in the transporting or providing of any goods or services to the establishment.
  - (h) When the person is attending a wedding reception being held at the establishment.
- (3) Any violation is punishable as provided in present law and is grounds for permit suspension or revocation.

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

(Amends R.S. 26:71.1(1)(d) and 271.2(1)(d); Adds R.S. 14:93.21 and R.S. 26:91.1 and 287.1)