

NOTICE OF INTENT

Department of Revenue Office of Alcohol and Tobacco Control

Low Alcohol Content Beverages, Malt Beverages and Ciders – Handling Stocking, Pricing, and Rotating (LAC 55:VII.320)

Under the authority of R.S. 26:922 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, hereby gives notice of its intent to promulgate §320 that would address handling, stocking, pricing, and rotating low alcohol content beverages, malt beverages and ciders since this is not addressed otherwise by existing law or regulation. The promulgation of §320 will assist the Office of Alcohol and Tobacco Control by providing guidelines to wholesalers and retailers relative to handling, stocking, pricing, and rotating low alcohol content beverages, malt beverages and ciders since this is not addressed otherwise by existing law or regulation.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Chapter 4. Alcohol Public Safety Regulations

§ 320. Low Alcohol Content Beverages, Malt Beverages and Ciders--- Handling, Stocking, Pricing, and Rotating

A. Persons holding valid Louisiana wholesale beverage alcohol permits, their agents, servants or employees, manufacturers' agents, importers and brokers may price, stock and rotate merchandise at retail premises only to the following extent.

1. Dealers in beverages of not more than 6 percent alcohol by volume, malt beverages or ciders may handle, build and stock displays of their product on the premises of retail dealers.

2. All dealers in beverages of not more than 6 percent alcohol by volume, malt beverages and ciders are prohibited from requiring other dealers to provide services including stocking, rotating, and frequency in delivery of product. Wholesale dealers are prohibited from pricing, and affixing security tags on product at a retail outlet.

3. Except as authorized under this Chapter, employees of a wholesale dealer shall not, in connection with the sale or delivery of alcoholic beverages to a retail dealer, provide any services whatsoever to a retail dealer.

B. The Commissioner of the Office of Alcohol and Tobacco Control may seek a suspension or revocation of the permit or permits of a violator and may impose such other penalties or administrative remedies as are prescribed by law for violators of the Alcoholic Beverage Control Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 43:1556 (March 2019), amended LR 44:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should have no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision

of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Poverty Statement

1. The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the R.S. 49:973.

2. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

1. The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et seq.

2. The agency, consistent with health, safety, environmental and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Commissioner Juana Marine-Lombard, Office of Alcohol and Tobacco Control, P.O. Box 66404, Baton Rouge, LA 70896 or at legal.department@atc.la.gov. Written comments will be accepted through the close of business, April 15, 2019.

Juana Marine-Lombard
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Low Alcohol Content Beverages,
Malt Beverages and Ciders--- Handling,**

Stocking, Pricing, and Rotating

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Proposed rule provides guidance on handling, stocking, pricing, and rotating low alcohol content beverages, malt beverages and ciders. It provides that dealers may handle, build, and stock product displays on the premises of retail dealers, but are prohibited from pricing or affixing security tags on products at retail outlets. Additionally, it provides that no dealers may require other dealers to provide services, including stocking, rotating, or frequency in delivery of product, and that employees of wholesale dealers may not provide any services whatsoever to a retail dealer.

No direct costs or savings to state or local governmental units are anticipated due to this proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule amendment is not anticipated to materially impact ATC self-generated revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No material impact on Louisiana licensed manufacturers, wholeslaers, and retailers is anticipated due to this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated due to this proposed rule.

Juana Marine-Lombard
Commissioner
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Gregory V. Albrecht
Legislative Fiscal Officer