

## NOTICE OF INTENT

### Department of Revenue Office of Alcohol and Tobacco Control

#### Digitized Identification Acceptance & Education (LAC 55:VII.401)

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 §401 on requirements for digitized identification acceptance by retailers, education requirements for retailers regarding same, and to provide for other related matters. The promulgation of §401 helps the Office of Alcohol and Tobacco Control provide guidelines for its retailers with the implementation of the provisions of Act 552 of the 2018 Regular Session of the Louisiana Legislature which provides for issuance of a digitized special identification card and to establish a fee to install the application to display a digitized special identification card. This proposed Section is intended to be adopted and effective on December 20, 2018.

#### Title 55

#### PUBLIC SAFETY

#### Part VII. Alcohol and Tobacco Control

#### Chapter 4. Alcohol Public Safety Regulations

#### §401. Digitized Identification Acceptance & Education

A. LA Wallet digitized identification shall be the only digital identification that may be accepted by alcohol and tobacco retailers.

B. Alcohol and tobacco retailers may choose to accept digitized identification or they may still require a physical identification when checking identification.

C. Retailers whom the Agency has required to utilize scanners shall still be required to request and scan a physical identification and may not accept digitized identification.

D. Digitized identification may be accepted by establishments provided that all employees have been properly trained prior to acceptance. Establishments which intend to accept digital identification shall conduct their own employee training and provide the following information to all employees prior to acceptance:

1. Hands-off/No-Touch: digitized identification was designed so that anyone validating or verifying the information on the holder's device may do so without handling the device. All interactive features are to be completed by the holder of the device with the digitized identification application and not by the retailer.

2. Validity of Digitized Identification: the validity of digitized identification may easily be determined by the green or red line across the top of the electronic license. This line will read "VALID" or "INVALID", respectively. If the license has not been suspended, revoked, or been determined invalid for any other reason, the word "VALID" shall be displayed in green.

3. Over 21/Under 21 Orientation: the age of the digitized identification holder may be determined by the orientation of the digital identification. For individuals over the age of 21 years old, the license will be displayed horizontally on the holder's electronic device. For individuals under the age of 21 years old, the license will be displayed vertically on the holder's electronic device.

4. Refresh Button: the digitized identification application shall contain a "refresh" button which acts as an interactive safeguard. This button enables the holder of the device to contact the Department of Motor Vehicles and re-validate the license, usually in less than three seconds. The time of the last update will be displayed next to the license, above the refresh button. Retailers are encouraged to require the holder of the digitized identification to refresh their identification to aid in determining authenticity.

5. Security Seal: if the retailer requires further validation of the digitized identification, the retailer may ask the holder of the digitized identification to press and hold their finger on the identification displayed on their device screen to reveal the security seal. Retailers are encouraged to require the holder of the digitized identification to display the security seal to aid in determining authenticity.

6. View Button: if the retailer needs to view the date of birth more clearly to verify, the digitized identification application is equipped with a "view" button which may be activated by the holder of the digitized identification. When the holder activates the "view" button, the device application will then display a larger print version of the holder's identification number, date of birth, endorsements, and restrictions.

7. All other rules and requirements for physical identification still apply for digitized identification.

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 (August 2017), 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.

Commissioner  
1710#015

Legislative Fiscal Officer

#### **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](mailto:legal.department@atc.la.gov). Written comments will be accepted through the close of business, October 15, 2018.

Juana Marine-Lombard  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Digitized Driver's License or Special ID Card****

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

There will be no direct costs or savings to state or local governmental units for this proposed rule. There may be indirect savings that stem from the efforts to promote the public health, safety and welfare, but any such amount is indeterminable at this time.

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

This proposed rule amendment will not affect revenue collections of state or local governmental units.

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

There will be no direct material costs or savings to alcohol and tobacco retailers due to this proposed rule, as participation is optional. For retailers that opt to participate, employee training costs may be incurred, but are expected to be negligible. There may be indirect savings that stem from the efforts to promote the public health, safety and welfare, but any such amount is indeterminable at this time.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule is not expected to have a material impact on competition or employment.

Juana Marine-Lombard

Gregory V. Albrecht