

§325. Caterer's Permits

A. The Office of Alcohol and Tobacco Control may issue a Class A—Caterer's permit to persons who meet the qualifications and criteria of either Paragraph 1 or 2 below.

1. Holders of any Class A, B or C liquor or beer retail permit will be allowed to sell and serve alcoholic beverages, on a temporary basis, limited to three days in duration, at events other than on the premises for which the holder's regular permit is issued.

a. This holder of a Class A—Caterer's permit must use the permit in conjunction with their A, B or C liquor and/or beer permit and shall expire at the same time as the regular A, B or C permit.

b. If the regular Class A, B or C permit ceases to be valid for cause, the caterer's permit ceases to be valid.

2. Class B liquor or beer retail permit holders shall be subject to the following terms and/or conditions.

a. Class A—Caterer's permits shall only be issued to holders of a Class B liquor and/or beer retail permit whose primary purpose is the sale of alcoholic beverages.

b. Class B liquor or beer retail permit holders who applied for and obtained a Class A—Caterer's permit prior to August 20, 2008, shall not be subject to Subparagraph a above.

3. Persons who do not otherwise qualify for a retail dealer permit pursuant to the provisions of R.S. 26:71.1 or R.S. 26:271.2, but who operate a facility with a fully equipped kitchen where food is prepared for the purpose of catering functions, will be allowed to obtain a Class A—Caterer's permit under the following conditions.

a. This holder of a Class A—Caterer's permit must derive 70 percent of their gross annual revenue from the sale of food or food-related product, and 40 percent of the gross revenue per event must be derived from the sale of food or food-related product.

b. This holder of a Class A—Caterer's permit must maintain separate sales figures for alcoholic beverages.

c. Class A—Caterer's permits shall not be used in lieu of Special Event permits.

B.1. An application for a Class A—Caterer's permit shall be made on forms prescribed by the Commissioner of the Office of Alcohol and Tobacco Control.

2. A Class A—Caterer must display the permit on the premises of the event being catered.

3. A Class A—Caterer must only cater events in an area in which the sale of alcoholic beverages has been authorized by local option election and with permission from the local governing authority.

4. A Class A—Caterer must provide the Office of Alcohol and Tobacco Control with written notice of the date, time, and place of each catered event at least one week prior to the date of the event.

5. All alcoholic beverages at a catered event must be dispensed by the holder of the Class A—Caterer's permit or his employee, agent, or servant.

6. Class A—Caterers must comply with the provisions of the Responsible Vendor Program of R.S. 26:931 et seq.

7. The cost of the Class A—Caterer's permit is \$200 per year or any portion thereof; costs shall not be prorated.

8. Class A—Caterer permits shall be renewed annually in accordance with the provisions relative to all other retail permits, specifically R.S. 26:88 and 285 and LAC 55:VII.321.

C. Holders of a caterer's permit must specifically comply with provisions of R.S. 26:90, 26:91, 26:286 and 26:287 in addition to other provisions not exempted; however, exceptions are: when the holder of caterer's permit calls upon an industry member to serve an event; at events other than upon the premises for which the holder's regular permit is issued, the industry member must charge the holder of the caterer's permit for all equipment used and services rendered in an amount at least equal to that listed as follows:

1. labor—at a rate equal to that required as a minimum wage under the Federal Wage and Hour Act;
2. self contained electric units in which the beer container is refrigerated with the unit—\$25 per day;
3. electric unit in which the beer container sits outside the cooling unit—\$25 per day;
4. picnic pumps—\$10 per day or may be sold to the permit holder in accordance with Paragraph 9 below;
5. tubs—\$10 per day or may be sold to the permit holder in accordance with Paragraph 9 below;
6. cold plates—\$25 per day;
7. trucks designed to handle packaged beer without refrigeration—\$30 per day;
8. refrigerated trucks designed to handle packaged or draught beer or mobile units such as trailers or other vehicles designed to handle package or draught beer—\$100 per day;
9. cups, ice, additional CO₂ gas, gas picnic pumps, tubs and similar supplies and equipment—cost to industry member;
10. alcoholic beverages—at the price available to all other retail dealers in alcoholic beverages;
11. stages, including labor to erect—\$200 per day; and
12. tents, including labor to erect:
 - a. 12' x 12' or smaller—\$30 per day;
 - b. larger than 12' x' 12'—\$50 per day.

D. Any violation of these regulations or causes enumerated in Title 26 of the Louisiana Revised Statutes shall subject the retailer to revocation, suspension, or withholding of his alcoholic beverage permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:793.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 19:904 (July 1993), amended by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 26:2631 (November 2000), LR 34:1633 (August 2008).