

2023 Regular Session

HOUSE BILL NO. 263

BY REPRESENTATIVE BOURRIAQUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Provides relative to manufacturers and microdistillers of alcoholic beverages

1 AN ACT

2 To amend and reenact R.S. 26:2(16)(a) and 85(5), relative to alcoholic beverages; to provide  
3 for definitions; to authorize manufacturers to sell or serve to the public from any  
4 facility; to provide for applicability to manufacturers and microdistillers; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:2(16)(a) and 85(5) are hereby amended and reenacted to read as  
8 follows:

9 §2. Definitions

10 For purposes of this Chapter, the following terms have the respective  
11 meanings ascribed to them in this Section, unless a different meaning clearly appears  
12 from the context:

13 \* \* \*

14 (16)(a) "Manufacturer" means any person, other than a wine producer, who  
15 personally or through any agent whatever engages in the making, blending,  
16 rectifying, or processing of any alcoholic beverage in Louisiana; engages in the  
17 making, blending, rectifying, or processing of any alcoholic beverage outside  
18 Louisiana for sale in Louisiana; or engages in the business of supplying alcoholic  
19 beverages to licensed wholesale dealers in Louisiana. A manufacturer who engages  
20 in the making, blending, rectifying, or processing of any alcoholic beverage in a

1 facility entirely located in the state of Louisiana may sell or serve only those  
 2 products that are made, blended, rectified, or processed at that facility to the public  
 3 ~~only at that facility~~ for consumption on or off the premises but not for resale. The  
 4 total amount of such sales to the public for any given month shall not exceed one  
 5 case per person for each thirty-day period. Any manufacturer who sells its products  
 6 to the public pursuant to this Paragraph shall remit all state and parish or municipal  
 7 sales and excise taxes to the proper tax collecting authority for all products sold to  
 8 the public. A manufacturer who sells or serves its products to the public pursuant to  
 9 this Paragraph shall comply with all local zoning laws and regulations.

\* \* \*

11 §85. Combination of manufacturer, wholesale, and retail business prohibited;  
 12 exceptions

13 Except as provided in Paragraphs (1) through (6) of this Section, no person  
 14 shall, at the same time, engage in business as a manufacturer or wine producer and  
 15 as a wholesaler, as a wholesaler and as a manufacturer or wine producer, as a  
 16 manufacturer or wine producer and as a retailer, as a retailer and as a manufacturer  
 17 or wine producer, as a wholesaler and as a retailer, or as a retailer and as a  
 18 wholesaler of any regulated beverage. However:

\* \* \*

20 (5) Provided that manufacturers, microdistillers, and wine producers comply  
 21 with the provisions of R.S. 26:90, manufacturers, microdistillers, and wine producers  
 22 who own and operate one or more wineries, may sell or serve their finished products  
 23 at retail directly to consumers at fairs, festivals, farmers' markets and similar venues  
 24 defined by the commissioner pursuant to rules and regulations promulgated in  
 25 accordance with the Administrative Procedure Act.

\* \* \*

---

**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 263 Original

2023 Regular Session

Bourriaque

**Abstract:** Adds to the definition of "manufacturer" and authorizes manufacturers and microdistillers to perform certain acts in the same manner as wine producers.

Present law authorizes manufacturers to sell or serve products to the public only at the facility in which the products were made, blended, rectified, or processed.

Proposed law authorizes manufacturers to sell or serve products to the public from any facility.

Present law authorizes wine producers who are not performing any of the prohibited acts or whose license has not been suspended or revoked as provided in R.S. 26:90, who own and operate one or more wineries to sell or serve their finished products at retail to consumers at fairs, festivals, farmers' markets, and similar venues.

Proposed law retains present law and authorizes manufacturers and microdistillers in compliance with R.S. 26:90 to sell or serve their products in the same manner as wine producers.

(Amends R.S. 26:2(16)(a) and 85(5))