The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy Wells.

DIGEST 2015 Regular Session

Murray

Present law requires that alcoholic beverages be distributed only through wholesalers.

<u>Present law</u> makes an exception for sparkling wine and still wine. Provides that such products may be sold and shipped directly to a consumer in Louisiana by the manufacturer or retailer domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided that all taxes levied have been paid in full and that all of the following apply:

(1) The consumer is 21 years of age or older.

SB 235 Original

- (2) The sparkling wine or still wine is for that consumer's personal consumption.
- (3) The total amount of sparkling wine or still wine shipped in 750 ml bottles does not exceed 144 bottles per adult person per household address per calendar year.
- (4) The wine producer, manufacturer, or retailer engaging in such direct sales holds a valid wine producer's, manufacturer's, or retailer's license issued by the state of its domicile.
- (5) The package in which the sparkling wine or still wine is shipped is prominently labeled as containing beverage alcohol.
- (6) The package in which such sparkling wine or still wine is shipped is received by a person 21 years of age or older.
- (7) The package contains an invoice indicating the date of the shipment, providing a full and complete description of all items included in the shipment, and stating the price thereof.
- (8) The wine producer, manufacturer, or retailer domiciled outside of Louisiana has complied with the provisions of <u>present law</u> relating to annual application and quarterly statement to the secretary of Revenue.
- (9) The seller or shipper who is a wine producer or manufacturer is not a party, directly or indirectly, to any agreement in which a wholesaler licensed by Louisiana has been granted the right to purchase and to sell any sparkling wine or still wine produced by the manufacturer.

<u>Proposed law</u> retains <u>present law</u> and adds a requirement that prior to selling or shipping any sparkling wine or still wine directly to a consumer in Louisiana, a wine producer, manufacturer or retailer domiciled outside Louisiana register with the state office of alcohol and tobacco control. The

registration is required to be renewed annually and updated within 30 days of any change to the information contained on the form.

<u>Present law</u> provided that prior to 2012, a wine producer, manufacturer or out-of-state retailer selling directly to consumers in Louisiana had to file monthly statements with the secretary of Revenue regarding shipments.

Proposed law deletes present law.

<u>Present law</u> provides that beginning in 2012, wine producers, manufacturers and out-of-state retailers are required to file quarterly statements regarding shipments.

Proposed law retains present law.

<u>Proposed law</u> authorizes the secretary of Revenue to release to the commissioner of the office of alcohol and tobacco copies of annual applications and quarterly statements of wine producers, manufacturers and out-of-state retailers authorized to sell directly to consumers.

<u>Proposed law</u> requires any person who transports sparkling wine or still wine for direct shipment into or out of Louisiana to register with the commissioner. Requires the commissioner to promulgate rules for transport registrants that include regular reporting requirements related to brands, size of containers, and the types and quantities of sparkling wine and still wine contained in each shipment. Requires the rules to also include requirements that prevent sales and deliveries to underage persons.

<u>Proposed law</u> provides that any person who transports sparkling wine or still wine for direct shipment into or out of Louisiana in violation of <u>proposed law</u> or rules shall be subject to a civil penalty of up to \$25,000 and seizure of any moveables used to transport the sparkling wine or still wine into or out of Louisiana.

<u>Proposed law</u> establishes the Shipment Registration Fund as a special treasury fund. Provides that any money appropriated or transferred to the fund shall be deposited into the fund. Provides monies in the fund shall be invested in the same manner as monies in the state general fund and interest earned on the investment of monies in the fund shall be deposited in and credited to the state general fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

Effective January 1, 2016.

(Amends R.S. 26:359(D), (E), (F), and (G); adds R.S. 26:359(B)(3) and 359.1)