

2018 Regular Session

SENATE BILL NO. 508

BY SENATOR MORRELL

ALCOHOLIC BEVERAGES. Provides relative to the direct shipment of wine. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 26:85(6) and 359(B)(1)(c) and (f), relative to alcoholic
3 beverages; to provide for the direct shipment of certain alcoholic beverages to
4 consumers; to provide for the amount of wine that may be shipped directly to
5 consumers; to provide for requirements for the receipt of shipments of certain
6 alcoholic beverages; to provide for proof of age; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:85(6) and 359(B)(1)(c) and (f) are hereby amended and reenacted
9 to read as follows:

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

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

* * *

(6) Notwithstanding any other provision of law to the contrary, wine producers who operate one or more wineries may sell and ship directly to a consumer in Louisiana provided that the total amount of sparkling wine or still wine shipped to any single household address in seven hundred fifty milliliter bottles; **does** not to exceed ~~one hundred forty-four~~ **forty-eight** bottles ~~per adult person~~ per household address per calendar year. **The packing in which such sparkling wine or still wine is shipped shall be received by a person twenty-one years of age or older. A person receiving a package of sparkling wine or still wine shall present proof of age as provided in R.S. 26:90 at the time of delivery.**

* * *

§359. Distribution of alcoholic beverages through wholesalers only

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B.(1) Notwithstanding the provisions of Subsection A of this Section, sparkling wine or still wine may be sold and shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply:

* * *

(c) The total amount of sparkling wine or still wine shipped in seven hundred fifty milliliter bottles does not exceed ~~one hundred forty-four~~ **forty-eight** bottles ~~per adult person~~ per household address per calendar year.

* * *

(f) The package in which such sparkling wine or still wine is shipped is received by a person twenty-one years of age or older. **A person receiving a package of sparkling wine or still wine shall present proof of age as provided in R.S. 26:286 at the time of delivery.**

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

DIGEST

SB 508 Original

2018 Regular Session

Morrell

Present law provides that wine producers may ship sparkling wine or still wine directly to a consumer in Louisiana if 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 year.

Proposed law decreases the maximum amount of 750 ml bottles of sparkling wine or still wine that may be shipped directly to a consumer to 48 bottles per household address per year.

Present law provides that, for beverages of low alcoholic content, the package in which sparkling wine or still wine is shipped must be received by a person 21 years of age or older.

Proposed law retains present law and applies the same condition for beverages of high alcoholic content. Further, requires the person receiving sparkling wine or still wine to show proof of age at the time of delivery.

Effective August 1, 2018.

(Amends R.S. 26:85(6) and 359(B)(1)(c) and (f))