

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)(f), relative to alcoholic beverages; to
3 provide for the direct shipment of certain alcoholic beverages to consumers; to
4 provide for requirements for the receipt of shipments of certain alcoholic beverages;
5 to provide for proof of age; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

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

17 * * *

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

10 * * *

11 §359. Distribution of alcoholic beverages through wholesalers only

12 * * *

13 B.(1) Notwithstanding the provisions of Subsection A of this Section,
 14 sparkling wine or still wine may be sold and shipped directly to a consumer, **not to**
 15 **a retail dealer's location that is permitted by the Office of Alcohol and Tobacco**
 16 **Control**, in Louisiana by the manufacturer or retailer of such beverage domiciled
 17 inside or outside of Louisiana, or by a wine producer domiciled inside or outside of
 18 Louisiana, provided both that all taxes levied have been paid in full and that all of
 19 the following apply:

20 * * *

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

25 * * *

The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

DIGEST

SB 508 Reengrossed

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.

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)(intro para) and (f))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Removes proposed law that would have reduced the allowable quantity of direct shipment to 48 bottles per household address per year.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Clarifies that the wine may be shipped to a consumer, not to a retail dealer.