

2019 Regular Session

SENATE BILL NO. 34

BY SENATOR DONAHUE

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

ALCOHOLIC BEVERAGES. Removes bottle-size limitations on containers of wine shipped directly to consumers. (8/1/19)

1 AN ACT

2 To amend and reenact R.S. 26:85(6) and 359(B)(1)(c), relative to the shipment of alcoholic
3 beverages; to remove the bottle-size limitation on containers of wine shipped directly
4 to consumers; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

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

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

16 * * *

17 (6) Notwithstanding any other provision of law to the contrary, wine

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

9 * * *

10 §359. Distribution of alcoholic beverages through wholesalers only

11 * * *

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

19 * * *

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

23 * * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

SB 34 Original

2019 Regular Session

Donahue

Present law (Alcohol Beverage Control Law) regulates the sale of alcoholic beverages in Louisiana through a licensing three-tier system. Requires licensed producers/manufacturers to sell to licensed wholesalers/distributors and licensed wholesalers/distributors to sell to licensed retailers (including restaurants.) Provides that only licensed retailers may sell alcoholic beverages directly to consumers.

Present law provides limited exceptions wherein a licensed wine producer/manufacturer may also engage in business as a wholesaler/distributor or as a retailer. Exceptions include a wine producer who operates one or more wineries selling and shipping directly to a consumer in Louisiana provided that the total amount of sparkling wine or still wine shipped to any single household address is in 750 ml bottles and does not to exceed 144 bottles per adult person per household address per calendar year.

Proposed law retains present law but removes the size limitation on the bottles/containers in which the wine may be shipped. Provides instead that the total amount of sparkling or still wine shipped shall not exceed 108 liters of wine per adult per household address per calendar year.

Present law provides that no alcoholic beverages produced or manufactured inside or outside of Louisiana shall be sold or offered for sale in Louisiana, or shipped or transported into or within the state except to the holder of a wholesaler's permit. Further provides that the delivery of alcoholic beverages produced or manufactured inside or outside of Louisiana shall be made at the place of business of the wholesaler shown on their permit, and must be received and warehoused by the wholesaler at that place of business and shall come to rest before delivery is made to any retailer.

Present law provides for an exception to present law for sparkling wine or still wine sold and shipped directly to a consumer, not to a retail dealer's location, 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 all taxes levied have been paid and certain conditions apply including that the sparkling wine or still wine to be shipped is shipped in 750 ml bottles and that the total amount does not exceed 144 bottles per adult person per household address per calendar year.

Proposed law retains present law but removes the size limitation on the bottles in which the wine may be shipped. Provides instead that the total amount of sparkling or still wine shipped shall not exceed 108 liters of wine per adult per household address per calendar year.

Effective August 1, 2019.

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