

2021 Regular Session

HOUSE BILL NO. 343

BY REPRESENTATIVE BEAULLIEU

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

ALCOHOLIC BEVERAGES: Provides relative to wine producers

1 AN ACT

2 To amend and reenact R.S. 26:85(4), 142, and 359(A) and to enact R.S. 26:2(32), 241(27),
3 (28), and (29), and 359.1, relative to alcoholic beverages; to provide for definitions;
4 to provide relative to the selling and serving of certain alcoholic beverages; to
5 provide relative to the selling and shipping of certain alcoholic beverages; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:85(4), 142, and 359(A) are hereby amended and reenacted and
9 R.S. 26:2(32), 241(27), (28), and (29), and 359.1 are hereby enacted to read as follows:

10 §2. Definitions

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

14 * * *

15 (32) "Raw wine product" means raw grapes, crushed grapes, or an output
16 derived from crushed grapes during the wine making process.

17 * * *

18 §85. Combination of manufacturer, wholesale, and retail business prohibited;
19 exceptions

20 Except as provided in Paragraphs (1) through (6) of this Section, no person
21 shall, at the same time, engage in business as a manufacturer or wine producer and

1 as a wholesaler, as a wholesaler and as a manufacturer or wine producer, as a
2 manufacturer or wine producer and as a retailer, as a retailer and as a manufacturer
3 or wine producer, as a wholesaler and as a retailer, or as a retailer and as a
4 wholesaler of any regulated beverage. However:

5 * * *

6 (4) A wine producer may sell or serve its finished product or the finished
7 product from a wine producer outside the state of Louisiana at retail directly to
8 consumers at its winery for on or off premise consumption.

9 * * *

10 §142. Distribution through wholesalers only

11 A. Except as provided for in R.S. 26:71.3, 85, 271.1, and 359, no alcoholic
12 beverage produced or manufactured inside or outside of this state shall be sold or
13 offered for sale in Louisiana or shipped or transported into or within the state except
14 to the holder of a wholesaler's permit and for delivery at the place of business of the
15 wholesaler as shown in his permit.

16 B. Notwithstanding the provisions of Subsection A of this Section, a wine
17 producer domiciled outside the state of Louisiana may:

18 (1) Sell and ship raw wine product to a wine producer within the state of
19 Louisiana for the production of sparkling wine or still wine at its winery.

20 (2) Sell and ship sparkling wine and still wine to a wine producer within the
21 state of Louisiana for resale directly to consumers at its winery.

22 * * *

23 §241. Definitions

24 The following terms have the respective meanings ascribed to them except
25 in those instances where the context indicates a different meaning:

26 * * *

27 (27) "Raw wine product" means raw grapes, crushed grapes, or an output
28 derived from crushed grapes during the wine making process.

1 (28) "Wine producer" means any person who, directly or indirectly,
2 personally or through any agency, cultivates and grows grapes, fruits, berries, honey,
3 or vegetables from which wine containing not more than six percent alcohol per
4 volume is produced and bottled from a fermentation of such grapes, fruits, berries,
5 honey, or vegetables in Louisiana or outside the state for shipments to licensed
6 wholesale dealers within the state subject to the provisions of R.S. 26:364.

7 (29) "Winery" means a plot of land located in Louisiana used to cultivate
8 and grow grapes, fruits, berries, honey, or vegetables for the purpose of fermenting
9 such grapes, fruits, berries, honey, or vegetables to produce and bottle wine
10 containing not more than six percent alcohol by volume.

11 * * *

12 §359. Distribution of alcoholic beverages through wholesalers only

13 A. Except as provided in Subsection B of this Section ~~and~~ R.S. 26:271.1,
14 and R.S. 26:359.1, no alcoholic beverages as defined in R.S. 26:241 produced or
15 manufactured inside or outside of this state shall be sold or offered for sale in
16 Louisiana, or shipped or transported into or within the state, except to the holder of
17 a wholesaler's permit. Delivery of alcoholic beverages produced or manufactured
18 inside or outside of this state shall be made at the place of business of the wholesaler
19 shown on the wholesaler's permit, and must be received and warehoused by the
20 wholesaler at that place of business, where such alcoholic beverages shall come to
21 rest before delivery is made to any retailer.

22 * * *

23 §359.1. Distribution of alcoholic beverages through wholesalers only; exception.

24 Notwithstanding the provisions of Subsection A of R.S. 26:359, a wine
25 producer domiciled outside the state of Louisiana may:

26 (1) Sell and ship raw wine product to a wine producer within the state of
27 Louisiana for the production of sparkling wine or still wine at its winery.

28 (2) Sell and ship sparkling wine and still wine to a wine producer within the
29 state of Louisiana for resale directly to consumers at its winery.

1 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
2 arrange in alphabetical order and renumber the definitions provided in R.S. 26:2 and R.S.
3 26:241.

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 343 Original

2021 Regular Session

Beaulieu

Abstract: Allows out-of-state wine producers to ship and sell raw wine products to in-state wine producers for wine production, and allows out-of-state wine producers to ship and sell finished wine to in-state wine producers for resale.

Proposed law defines "raw wine product" as raw grapes, crushed grapes, or an output derived from crushed grapes during the wine making process.

Present law allows for an in-state wine producer to sell its finished product at retail directly to consumers at its winery.

Proposed law retains present law and additionally allows in-state wine producers to also sell finished products from out-of-state wine producers.

Present law prohibits alcoholic beverages produced or manufactured inside or outside of the state from being sold or offered for sale in La. or shipped or transported into or within the state unless to the holder of a wholesaler's permit.

Present law authorizes an out-of-state wine producer to ship and sell raw wine products to in-state wine producers for wine production and allows out-of-state wine producers to ship and sell finished wine to in-state wine producers for resale.

(Amends R.S. 2685(4), 142, and 359(A); Adds R.S. 26:2(32), 241(27), (28), and (29), and 359.1)