2023 Regular Session

HOUSE BILL NO. 647 (Substitute for House Bill No. 263 by Representative Bourriaque) BY REPRESENTATIVES BOURRIAQUE, BACALA, DUBUISSON, FREEMAN, LACOMBE, ROMERO, AND TURNER

1	AN ACT
2	To amend and reenact R.S. 26:85(introductory paragraph) and (6) and to enact R.S.
3	26:2(35), (36), and 85(7), relative to alcoholic beverages; to provide relative to the
4	definitions of distilling, manufacturing distiller, and manufacturing distillery; to
5	authorize manufacturing distillers to sell or serve to the public from any facility; to
6	provide for applicability to manufacturing distillers; and to provide for related
7	matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 26:85(introductory paragraph) and (6) are hereby amended and
10	reenacted and R.S. 26:2(35), (36), and 85(7) are hereby enacted to read as follows:
11	§2. Definitions
12	For purposes of this Chapter, the following terms have the respective
13	meanings ascribed to them in this Section, unless a different meaning clearly appears
14	from the context:
15	* * *
16	(35) "Distill, distilling, and distilled" means the process of producing liquor
17	by distillation through one or more stills located at a licensed premises as part of a
18	distiller's process of engaging in the material and essential aspects of manufacturing
19	such distilled spirits for human consumption.
20	(36) "Manufacturing distillery" or "manufacturing distiller" means any
21	person who personally or through any agent engages in the distilling of any alcoholic
22	beverage in Louisiana, engages in the distilling of any alcoholic beverage outside
23	Louisiana for sale in this state, or engages in the business of supplying distilled
24	alcoholic beverages to licensed wholesale dealers in Louisiana.
25	* * *

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

Except as provided in Paragraphs (1) through (6) (7) of this Section, no person shall, at the same time, engage in business as a manufacturer, manufacturing distiller, or wine producer and as a wholesaler, as a wholesaler and as a manufacturer, manufacturing distiller, or wine producer, as a manufacturer, manufacturing distiller, or wine producer and as a retailer, as a retailer and as a manufacturer, manufacturing distiller, or wine producer, as a wholesaler and as a retailer, or as a retailer and as a wholesaler of any regulated beverage. However:

* * *

(6) Provided that manufacturing distillers comply with the provisions of R.S. 26:90, manufacturing distillers who own and operate one or more manufacturing distilleries may sell or serve their finished products at retail directly to consumers at farmers' markets and similar venues defined by the commissioner pursuant to rules and regulations promulgated in accordance with the Administrative Procedure Act.

(6)(7) 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 does not exceed twelve cases of wine per adult person per household address per calendar year. The packing in which the 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.

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: