

2023 Regular Session

ACT No. 129

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 * * *

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

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

10 * * *

11 (6) Provided that manufacturing distillers comply with the provisions of R.S.
12 26:90, manufacturing distillers who own and operate one or more manufacturing
13 distilleries may sell or serve their finished products at retail directly to consumers at
14 farmers' markets and similar venues defined by the commissioner pursuant to rules
15 and regulations promulgated in accordance with the Administrative Procedure Act.

16 ~~(6)~~(7) Notwithstanding any other provision of law to the contrary, wine
17 producers who operate one or more wineries may sell and ship directly to a consumer
18 in Louisiana provided that the total amount of sparkling wine or still wine shipped
19 to any single household address does not exceed twelve cases of wine per adult
20 person per household address per calendar year. The packing in which the sparkling
21 wine or still wine is shipped shall be received by a person twenty-one years of age
22 or older. A person receiving a package of sparkling wine or still wine shall present
23 proof of age as provided in R.S. 26:90 at the time of delivery.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____