

2026 Regular Session

HOUSE BILL NO. 1053

BY REPRESENTATIVES VENTRELLA AND KNOX

1 AN ACT

2 To amend and reenact R.S. 26:2(7) and 241(24) and to enact R.S. 26:4 and 273.1, relative  
3 to alcoholic beverages; to provide for definitions; to provide for complimentary  
4 alcoholic beverage service; to provide for requirements and limitations; to provide  
5 for exemptions; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:2(7) and 241(24) are hereby amended and reenacted and R.S. 26:4  
8 and 273.1 are hereby enacted to read as follows:

9 §2. Definitions

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

13 \* \* \*

14 (7) "Dealer" means any person who, as a business, manufactures, blends,  
15 rectifies, distills, processes, imports, stores, uses, handles, holds, sells, offers for sale,  
16 solicits orders for the sale of, distributes, delivers, serves, or transports any alcoholic  
17 beverage in ~~the~~ this state or engages ~~herein~~ in any business transaction relating to any  
18 ~~such~~ alcoholic beverage. Notwithstanding the provisions of this Paragraph, for

1 purposes of this Chapter, "dealer" shall not be construed to include a retailer of  
 2 goods or services whose business operations do not include the sale of alcoholic  
 3 beverages and that may offer or furnish an alcoholic beverage to one or more  
 4 customers solely on a complimentary basis, without direct or indirect consideration,  
 5 and only as incidental to its principal business. Such complimentary service does not  
 6 constitute engaging in the business of dealing in alcoholic beverages and does not  
 7 require a permit pursuant to this Chapter, provided that all alcoholic beverages are  
 8 purchased from a retailer licensed in this state.

9 \* \* \*

10 §4. Complimentary alcoholic beverage service; requirements and limitations;  
 11 exemption from permit requirement

12 A. For the purposes of this Section, "complimentary service" means  
 13 providing an alcoholic beverage to a patron, customer, or guest at no charge. No fee  
 14 or consideration of any kind may be imposed as a condition of, or in exchange for,  
 15 access to or receipt of any alcoholic beverage. Any reimbursement or cost recovery  
 16 through any mechanism, including bundling with any good or service, or any charge  
 17 for entry, admission, cover, or service associated in any manner with access to such  
 18 beverages constitutes a sale for purposes of this Chapter.

19 B. Notwithstanding any other provision of law to the contrary, the permit  
 20 requirement of this Chapter does not apply to a business offering alcoholic beverages  
 21 on a complimentary basis in strict accordance with all of the following conditions:

22 (1) All costs associated with complimentary service shall be borne  
 23 exclusively by the business. All alcoholic beverages offered pursuant to this Section  
 24 shall be purchased from a retailer duly licensed in accordance with this Title. All  
 25 invoices, receipts, and records related to the purchases shall be maintained by the  
 26 business for a minimum of two years and may be subject to inspection upon request  
 27 by the commissioner.

28 (2) No manufacturer, wholesaler, or retailer licensed in accordance with this  
 29 Title shall directly or indirectly subsidize, donate, discount, or otherwise defray the

1 cost of any alcoholic beverage offered as a complimentary service as described in  
2 this Section.

3 (3) A business offering complimentary service remains subject to all  
4 applicable state and local ordinances including excise, sales, and consumption taxes.

5 (4) A business offering alcoholic beverages on a complimentary basis shall  
6 not do any of the following:

7 (a) Advertise, promote, or otherwise communicate the availability of  
8 complimentary alcoholic beverages through any medium, including interior or  
9 exterior signage, printed materials, electronic media, or social media.

10 (b) Operate a backbar, wet bar, bar counter, or any similar dedicated alcohol  
11 service structure on its premises nor publicly display any alcoholic beverages.

12 (c) Provide more than two servings no greater than standard industry sizes  
13 per person per day. All beverages shall be served by the business in single-use  
14 disposable drinkware. The business shall not allow the patron to remove the  
15 complimentary alcoholic beverage from the premises.

16 (d) Serve alcoholic beverages to any person under twenty-one years of age  
17 or to any visibly intoxicated person. Violation subjects the business and any  
18 responsible individual to the penalties provided in R.S. 14:93.10 et seq., and all other  
19 applicable law.

20 C. The exemption provided by this Section does not apply to any business  
21 that is otherwise required to hold a permit pursuant to this Chapter by reason of  
22 engaging in the dealing, sale, or service of alcoholic beverages as a primary or  
23 substantial component of its business operations.

24 D. The commissioner may adopt rules and regulations in accordance with  
25 the Administrative Procedure Act to implement the provisions of this Section.

26 \* \* \*

27 §241. Definitions

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

30 \* \* \*

1           (24) "Retail dealer" means every person who offers for sale, exposes for sale,  
 2           has in his possession for sale or distribution, or sells alcoholic beverages in any  
 3           quantity to persons other than licensed wholesale or retail dealers. Notwithstanding  
 4           the provisions of this Paragraph, for purposes of this Chapter, "retail dealer" shall not  
 5           be construed to include a retailer of goods or services whose business operations do  
 6           not include the sale of alcoholic beverages and that may offer or furnish an alcoholic  
 7           beverage to one or more customers solely on a complimentary basis, without direct  
 8           or indirect consideration, and only as incidental to its principal business. Such  
 9           complimentary service does not constitute engaging in the business of dealing in  
 10           alcoholic beverages and does not require a permit pursuant to this Chapter, provided  
 11           that all alcoholic beverages are purchased from a retailer licensed in this state.

\* \* \*

13           §273.1. Complimentary alcoholic beverage service; requirements and limitations;  
 14           exemption from permit requirement

15           A. For the purposes of this Section, "complimentary service" means  
 16           providing an alcoholic beverage to a patron, customer, or guest at no charge. No fee  
 17           or consideration of any kind may be imposed as a condition of, or in exchange for,  
 18           access to or receipt of any alcoholic beverage. Any reimbursement or cost recovery  
 19           through any mechanism, including bundling with any good or service, or any charge  
 20           for entry, admission, cover, or service associated in any manner with access to such  
 21           beverages constitutes a sale for purposes of this Chapter.

22           B. Notwithstanding any other provision of law to the contrary, the permit  
 23           requirement of this Chapter does not apply to a business offering alcoholic beverages  
 24           on a complimentary basis in strict accordance with all of the following conditions:

25           (1) All costs associated with complimentary service shall be borne  
 26           exclusively by the business. All alcoholic beverages offered pursuant to this Section  
 27           shall be purchased from a retailer duly licensed in accordance with this Title. All  
 28           invoices, receipts, and records related to the purchases shall be maintained by the  
 29           business for a minimum of two years and may be subject to inspection upon request  
 30           by the commissioner.

1                   (2) No manufacturer, wholesaler, or retailer licensed in accordance with this  
 2                   Title shall directly or indirectly subsidize, donate, discount, or otherwise defray the  
 3                   cost of any alcoholic beverage offered as a complimentary service as described in  
 4                   this Section.

5                   (3) A business offering complimentary service remains subject to all  
 6                   applicable state and local ordinances including excise, sales, and consumption taxes.

7                   (4) A business offering alcoholic beverages on a complimentary basis shall  
 8                   not do any of the following:

9                   (a) Advertise, promote, or otherwise communicate the availability of  
 10                   complimentary alcoholic beverages through any medium, including interior or  
 11                   exterior signage, printed materials, electronic media, or social media.

12                   (b) Operate a backbar, wet bar, bar counter, or any similar dedicated alcohol  
 13                   service structure on its premises nor publicly display any alcoholic beverages.

14                   (c) Provide more than two servings no greater than standard industry sizes  
 15                   per person per day. All beverages shall be served by the business in single-use  
 16                   disposable drinkware. The business shall not allow the patron to remove the  
 17                   complimentary alcoholic beverage from the premises.

18                   (d) Serve alcoholic beverages to any person under twenty-one years of age  
 19                   or to any visibly intoxicated person. Violation subjects the business and any  
 20                   responsible individual to the penalties provided in R.S. 14:93.10 et seq., and all other  
 21                   applicable law.

22                   C. The exemption provided by this Section does not apply to any business  
 23                   that is otherwise required to hold a permit pursuant to this Chapter by reason of  
 24                   engaging in the dealing, sale, or service of alcoholic beverages as a primary or  
 25                   substantial component of its business operations.

26                   D. The commissioner may adopt rules and regulations in accordance with  
 27                   the Administrative Procedure Act to implement the provisions of this Section.

28                   Section 2. This Act shall become effective upon signature by the governor or, if not  
 29                   signed by the governor, upon expiration of the time for bills to become law without signature  
 30                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_