

2016 Regular Session

SENATE BILL NO. 255

BY SENATOR MORRELL

ALCOHOLIC BEVERAGES. Provide relative to supplier succession. (8/1/16)

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AN ACT

To amend and reenact R.S. 26:802(A)(4) and to enact R.S. 26:802(A)(15) and 813, relative to alcoholic beverages; to provide for business relations of wholesalers and suppliers; to provide for obligations of successors; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:802(A)(4) is hereby amended and reenacted and R.S. 26:802(A)(15) and 813 are hereby enacted to read as follows:

§802. Definitions

A. The following words or phrases, or the plural thereof, whenever they appear in this Chapter, unless the context clearly requires otherwise, shall have the meanings ascribed to them in this Section:

\* \* \*

(4) "Commissioner" means the commissioner of ~~alcoholic beverage control~~  
**the Office of Alcohol and Tobacco Control.**

\* \* \*

**(15) "Successor" means a person who replaces a supplier, importer,**

1 broker, or wholesaler with regard to the right to manufacture, sell, distribute,  
2 broker, or import a brand or brands of beer or light wine.

3 \* \* \*

4 §813. Obligations of Successor

5 A successor shall become obligated to all the terms and conditions of the  
6 agreement in effect on the date of succession. This Section shall be applicable  
7 regardless of the character or form of the succession. A successor has the right  
8 to contractually require its wholesalers to comply with standards of  
9 performance, if standards are uniformly established and enforced for all of the  
10 successor's similarly situated wholesalers and conform to the provisions of this  
11 Chapter.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

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DIGEST

SB 255 Original                      2016 Regular Session                      Morrell

Present law establishes regulations for the business relations between suppliers and wholesalers of beer, including action prohibited by wholesalers and suppliers.

Proposed law retains present law and establishes a definition of a successor as a person who replaces a supplier, importer, broker, or wholesaler with regard to the right to manufacture, sell, distribute, broker, or import a brand or brands of beer or light wine.

Proposed law creates obligations imposed upon a successor, regardless of the character of the succession. Proposed law also provides a successor shall:

- (1) Become obligated to all the terms and conditions of the agreement in effect on the date of the succession.
- (2) Have the right to contractually require its wholesalers to comply with standards of performance if the standards are uniformly established and enforced for all of its similarly situated wholesalers and conform with present law.

Effective August 1, 2016.

(Amends R.S. 26:802(A)(4); adds R.S. 26:802(A)(15) and 813)