

2019 Regular Session

SENATE BILL NO. 34

BY SENATOR DONAHUE

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

ALCOHOLIC BEVERAGES. Removes bottle-size limitations on containers of wine shipped directly to consumers. (7/1/19)

1 AN ACT

2 To amend and reenact R.S. 26:85(6) and 359(B)(1)(c), and to enact R.S. 26:2(3.1) and

3 241(2.1), relative to alcoholic beverages; to remove the bottle-size limitation on

4 containers of wine shipped directly to consumers; to regulate direct shipment to

5 consumers based on volume; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:85(6) and 359(B)(1)(c) are hereby amended and reenacted and

8 R.S. 26:2(3.1) and 241(2.1) 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 (3.1) "Case of wine" means nine liters of wine by volume which may be

15 packaged in any of the following ways:

16 (a) Twelve, seven hundred fifty milliliter bottles.

17 (b) Six, one and one-half liter bottles.

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(c) Three, three liter bottles.

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

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

* * *

(6) 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 ~~in seven hundred fifty milliliter bottles,~~ **does** not to exceed ~~one hundred forty-four bottles~~ **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.

* * *

§241. Definitions

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

* * *

(2.1) "Case of wine" means nine liters of wine by volume which may be packaged in any of the following ways:

(a) Twelve, seven hundred fifty milliliter bottles.

(b) Six, one and one-half liter bottles.

1 **(c) Three, three liter bottles.**

2 * * *

3 §359. Distribution of alcoholic beverages through wholesalers only

4 * * *

5 B.(1) Notwithstanding the provisions of Subsection A of this Section,
6 sparkling wine or still wine may be sold and shipped directly to a consumer, not to
7 a retail dealer's location that is permitted by the Office of Alcohol and Tobacco
8 Control, in Louisiana by the manufacturer or retailer of such beverage domiciled
9 inside or outside of Louisiana, or by a wine producer domiciled inside or outside of
10 Louisiana, provided both that all taxes levied have been paid in full and that all of
11 the following apply:

12 * * *

13 (c) The total amount of sparkling wine or still wine shipped ~~in seven hundred~~
14 ~~fifty milliliter bottles~~ does not exceed ~~one hundred forty-four bottles~~ **twelve cases**
15 **of wine** per adult person per household address per calendar year.

16 * * *

17 Section 2. This Act shall become effective on July 1, 2019.

The original instrument was prepared by Dawn Romero Watson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Yoursheka George.

DIGEST

SB 34 Engrossed

2019 Regular Session

Donahue

Present law (Alcohol Beverage Control Law) regulates the sale of alcoholic beverages in Louisiana through a licensing three-tier system. Requires licensed producers/manufacturers to sell to licensed wholesalers/distributors and licensed wholesalers/distributors to sell to licensed retailers (including restaurants.) Provides that only licensed retailers may sell alcoholic beverages directly to consumers.

Present law provides limited exceptions wherein a licensed wine producer/manufacturer may also engage in business as a wholesaler/distributor or as a retailer. Exceptions include a wine producer who operates one or more wineries selling and shipping directly to a consumer in Louisiana provided that the total amount of sparkling wine or still wine shipped to any single household address is in 750 ml bottles and does not exceed 144 bottles per adult person per household address per calendar year.

Proposed law retains present law but removes the size limitation on the bottles/containers in which the wine may be shipped. Provides instead that the total amount of sparkling or still wine shipped shall not exceed twelve cases of wine per adult person per household address

per calendar year.

Proposed law defines a case of wine.

Proposed law provides guidelines for how a case of wine shall be packaged.

Present law provides that no alcoholic beverages produced or manufactured inside or outside of Louisiana shall be sold or offered for sale in Louisiana, or shipped or transported into or within the state except to the holder of a wholesaler's permit. Further provides that the delivery of alcoholic beverages produced or manufactured inside or outside of Louisiana shall be made at the place of business of the wholesaler shown on their permit, and must be received and warehoused by the wholesaler at that place of business and shall come to rest before delivery is made to any retailer.

Present law provides for an exception to present law for sparkling wine or still wine sold and shipped directly to a consumer, not to a retail dealer's location, in Louisiana by the manufacturer or retailer of such beverage domiciled inside or outside of Louisiana or by a wine producer domiciled inside or outside of Louisiana provided all taxes levied have been paid and certain conditions apply including that the sparkling wine or still wine to be shipped is shipped in 750 ml bottles and that the total amount does not exceed 144 bottles per adult person per household address per calendar year.

Proposed law retains present law but removes the size limitation on the bottles in which the wine may be shipped. Provides instead that the total amount of sparkling or still wine shipped shall not exceed 108 liters of wine per adult per household address per calendar year.

Effective July 1, 2019.

(Amends R.S. 26:85(6) and 359(B)(1)(c); adds R.S. 26.2(3.1), and 241(2.1))

Summary of Amendments Adopted by Senate

1. Proposed law defines case of wine.