

SENATE BILL NO. 34

BY SENATOR DONAHUE

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

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AN ACT

To amend and reenact R.S. 26:85(6) and 359(B)(1)(c), and to enact R.S. 26:2(3.1) and 241(2.1), relative to alcoholic beverages; to remove the bottle-size limitation on containers of wine shipped directly to consumers; to regulate direct shipment to consumers based on volume; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:85(6) and 359(B)(1)(c) are hereby amended and reenacted and R.S. 26:2(3.1) and 241(2.1) are hereby enacted to read as follows:

§2. Definitions

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

* * *

(3.1) "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.

(c) Three three-liter bottles.

* * *

§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

1 or wine producer, as a wholesaler and as a retailer, or as a retailer and as a
2 wholesaler of any regulated beverage. However:

3 * * *

4 (6) Notwithstanding any other provision of law to the contrary, wine
5 producers who operate one or more wineries may sell and ship directly to a consumer
6 in Louisiana provided that the total amount of sparkling wine or still wine shipped
7 to any single household address ~~in seven hundred fifty milliliter bottles,~~ **does** not to
8 exceed ~~one hundred forty-four bottles~~ **twelve cases of wine** per adult person per
9 household address per calendar year. The packing in which the sparkling wine or still
10 wine is shipped shall be received by a person twenty-one years of age or older. A
11 person receiving a package of sparkling wine or still wine shall present proof of age
12 as provided in R.S. 26:90 at the time of delivery.

13 * * *

14 §241. Definitions

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

17 * * *

18 **(2.1) "Case of wine" means nine liters of wine by volume which may be**
19 **packaged in any of the following ways:**

20 **(a) Twelve seven-hundred-fifty-milliliter bottles.**

21 **(b) Six one-and-one-half-liter bottles.**

22 **(c) Three three-liter bottles.**

23 * * *

24 §359. Distribution of alcoholic beverages through wholesalers only

25 * * *

26 B.(1) Notwithstanding the provisions of Subsection A of this Section,
27 sparkling wine or still wine may be sold and shipped directly to a consumer, not to
28 a retail dealer's location that is permitted by the Office of Alcohol and Tobacco
29 Control, in Louisiana by the manufacturer or retailer of such beverage domiciled
30 inside or outside of Louisiana, or by a wine producer domiciled inside or outside of

1 Louisiana, provided both that all taxes levied have been paid in full and that all of
2 the following apply:

3 * * *

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

7 * * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____