

2026 Regular Session

HOUSE BILL NO. 805

BY REPRESENTATIVE ORGERON

1 AN ACT

2 To amend and reenact R.S. 26:351, relative to wines, distilled spirits, and powdered alcohol;
3 to provide for approved containers for wines and distilled spirits; to provide for case
4 configuration for wines and distilled spirits; to provide for application of federal
5 regulations; to provide for exceptions; to prohibit the sale or shipment of powdered
6 alcohol; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:351 is hereby amended and reenacted to read as follows:

9 §351. Limitation on size of containers of beverages of high alcoholic content;
10 standards of fill

11 ~~Except for wines, no manufacturer or wholesaler in this state shall have in his~~
12 ~~possession any beverages of high alcoholic content outside of his bonded stockroom~~
13 ~~unless they are in containers of no greater capacity than one and seventy-five one~~
14 ~~hundredths liters. The standards of fill shall be the following:~~

15 ~~(1)(a) All distilled spirits sold in or shipped into this state shall be in the~~
16 ~~following containers: One and seventy-five hundredths liters, one liter, seven~~
17 ~~hundred fifty milliliters, seven hundred milliliters, five hundred milliliters, three~~
18 ~~hundred seventy-five milliliters, two hundred milliliters, and fifty milliliters.~~

19 ~~(b) If any supplier ships a particular brand of a distilled spirit into this state~~
20 ~~in a three hundred seventy-five milliliter container, he shall thereafter be prohibited~~
21 ~~from shipping that brand of beverage into the state in a five hundred milliliter~~
22 ~~container.~~

23 ~~(c) If any supplier offers for sale in this state a particular product of a~~
24 ~~distilled spirit in a seven hundred fifty milliliter container, the particular product of~~

1 distilled spirit shall not also be offered for sale in a seven hundred milliliter container
2 at the same time, provided the supplier is given time to fully transition.

3 (2)(a) ~~All wine, sold in or shipped into this state shall be in the following~~
4 ~~containers: twenty liters, nineteen and five-tenths liters, eighteen liters, seventeen~~
5 ~~liters, sixteen liters, fifteen liters, fourteen liters, thirteen liters, twelve liters, eleven~~
6 ~~liters, ten liters, nine liters, eight liters, seven liters, six liters, five liters, four liters,~~
7 ~~three liters, one and five-tenths liters, one liter, seven hundred fifty milliliters, five~~
8 ~~hundred milliliters, three hundred seventy-five milliliters, three hundred fifty-five~~
9 ~~milliliters, two hundred fifty milliliters, and one hundred eighty-seven milliliters.~~

10 (b) ~~"Vintage wines"--wines bottled prior to December 31, 1978 may be~~
11 ~~shipped into the state in containers not less than the equivalent of one hundred~~
12 ~~eighty-seven milliliters provided the proper proof of bottling dates is furnished in~~
13 ~~writing to the secretary in advance of the shipment and provided the secretary~~
14 ~~authorizes in writing that this merchandise may be shipped into the state.~~

15 (c) ~~The provisions of this Section shall not apply to the imported alcohol~~
16 ~~beverage "Sake".~~

17 (3)(a) ~~Distilled spirits, whether domestically bottled or imported, subject to~~
18 ~~the metric standard of fill prescribed in Paragraph (1) of this Section shall be packed~~
19 ~~with the following number of containers per shipping case or container:~~

<u>Container sizes</u>	<u>Containers per case</u>
1.75 liters	6
1.00 liters	not more than 12
750 milliliters	not more than 12
700 milliliters	not more than 12
375 milliliters	not more than 24
355 milliliters	24
200 milliliters	not more than 48
100 milliliters	not more than 48
50 milliliters	60
50 milliliters	120

1 (b) ~~For purposes of this Paragraph, "container" shall mean any receptacle~~
2 ~~produced and manufactured with any substance used to package distilled spirits for~~
3 ~~delivery to the public.~~

4 (c) ~~The provisions of this Paragraph shall not apply to package spirit-based~~
5 ~~beverages with an alcohol content below six percent.~~

6 (4)(a) ~~Wines bottled subject to the standards of fill prescribed in Paragraph~~
7 ~~(2) of this Section shall be packed with the following number of containers per~~
8 ~~shipping case or shipping container:~~

<u>Container sizes</u>	<u>Containers per case</u>
5 through 20 liters	1
4 liters	4
3 liters	not more than 6
1.5 liters	not more than 6
1 liter	not more than 12
750 milliliters	not more than 12
500 milliliters	12
375 milliliters	24
355 milliliters	24
250 milliliters	24
200 milliliters	not more than 48
187 milliliters	48

22 (b) ~~For purposes of this Paragraph, "container" shall mean any receptacle~~
23 ~~produced and manufactured with any substance used to package wine for delivery~~
24 ~~to the public.~~

25 (5) ~~Upon application, in duplicate, approved by the secretary, the bottles per~~
26 ~~case requirements set forth in Paragraphs (3) and (4) of this Section may be waived~~
27 ~~if good cause can be shown by the bottler or importer.~~

28 (6) ~~Any standard of fill as to size of containers for beverages of high~~
29 ~~alcoholic content approved by the United States Treasury Department, Bureau of~~
30 ~~Alcohol, Tobacco Tax and Firearms may be shipped into the state of Louisiana for~~

~~the purposes of storage for shipment beyond the borders of the state of Louisiana. Only those sizes listed in Paragraphs (1), (2), (3), and (4) of this Section may be sold under the provisions of these Paragraphs to licensed retail dealers or to licensed wholesale dealers who are licensed in the state of Louisiana.~~

~~(8) Notwithstanding the provisions of this Part or any other provisions of law to the contrary, the secretary may, for good cause shown, after proper application by a bottler or importer and an official hearing, waive the container limitations for a period not to exceed seven consecutive days. Only standards of fill as to size of containers for beverages of high alcoholic content approved by the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms may be allowed, provided these fill allowables are not in conflict with this Section.~~

~~(9) The container restrictions provided for in this Section shall not apply to cider products.~~

~~(10) No container sold in or shipped into this state shall include powdered alcohol.~~

A. (1) All distilled spirits and wines sold, offered for sale, or shipped into this state shall conform to the standards of fill authorized by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, as set forth in Title 27 of the Code of Federal Regulations, as amended.

(2) Any container size authorized for domestic sale by the Alcohol and Tobacco Tax and Trade Bureau is authorized for sale in this state.

(3) No additional limitation shall be imposed by the state on container size or case configuration except as expressly provided in this Section.

B. (1) The state shall not prescribe the number of containers per shipping case or shipping container for distilled spirits or wine, provided such container sizes comply with federal law.

(2) The commissioner may adopt rules in accordance with the Administrative Procedure Act necessary for tax administration, public safety, or enforcement purposes, provided such rules do not conflict with federally authorized standards of fill.

1 C.(1) For purposes of this Section,"vintage wine" is wine bottled prior to
2 December 31, 1978 and may be shipped into this state in container sizes not
3 otherwise authorized by federal standards of fill, provided that all of the following
4 conditions are met:

5 (a) The container is not smaller than the equivalent of one hundred
6 eighty-seven milliliters.

7 (b) Written proof of the bottling date is furnished to the commissioner prior
8 to shipment.

9 (c) The commissioner provides written authorization for such shipment.

10 (2) Nothing in this Subsection shall permit the sale of vintage wine in a
11 container smaller than one hundred eighty-seven milliliters.

12 D.(1) The container size restrictions prescribed in this Section do not apply
13 to alcohol beverages labeled and sold as "sake".

14 (2) Sake may be sold in any container size authorized for importation and
15 sale under federal law.

16 E. The container size restrictions prescribed in this Section do not apply to
17 cider products.

18 F. No alcoholic beverage sold in or shipped into this state shall contain
19 powdered alcohol.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____