

2017 Regular Session

HOUSE BILL NO. 114

BY REPRESENTATIVE CHAD BROWN

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

ALCOHOLIC BEVERAGES: Provides relative to the sale and shipment of certain alcoholic beverages

1 AN ACT

2 To amend and reenact R.S. 26:351(2)(a) and (4)(a) and 359(B)(1)(e), relative to alcoholic
3 beverages; to provide relative to the sale and shipment of certain alcoholic
4 beverages; to provide for container size limitations of certain alcoholic beverages;
5 to provide for labeling of wine shipped directly to consumers; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:351(2)(a) and (4)(a) and 359(B)(1)(e) are hereby amended and
9 reenacted to read as follows:

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

12 Except for wines, no manufacturer or wholesaler in this state shall have in his
13 possession any beverages of high alcoholic content outside of his bonded stockroom
14 unless they are in containers of no greater capacity than 1.75 liters. The standards
15 of fill shall be the following:

16 * * *

17 (2)(a) All wine, sold in or shipped into this state shall be in the following
18 containers: twenty liters, nineteen and five-tenths liters, eighteen liters, seventeen
19 liters, sixteen liters, fifteen liters, fourteen liters, thirteen liters, twelve liters, eleven
20 liters, ten liters, nine liters, eight liters, seven liters, six liters, five liters, four liters,

1 three liters, one and five-tenths liters, one liter, seven hundred fifty milliliters, five
2 hundred milliliters, three hundred seventy-five milliliters, three hundred fifty-five
3 milliliters, two hundred fifty milliliters, and one hundred eighty-seven milliliters.

4 * * *

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

8	Container sizes	Containers per case
9	5 through 20 liters	1
10	4 liters	4
11	3 liters	4
12	1.5 liters	6
13	1 liter	12
14	750 milliliters	12
15	500 milliliters	12
16	375 milliliters	24
17	355 milliliters	24
18	<u>250 milliliters</u>	<u>24</u>
19	187 milliliters	48

20 * * *

21 §359. Distribution of alcoholic beverages through wholesalers only

22 * * *

23 B.(1) Notwithstanding the provisions of Subsection A of this Section,
24 sparkling wine or still wine may be sold and shipped directly to a consumer in
25 Louisiana by the manufacturer or retailer of such beverage domiciled inside or
26 outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana,
27 provided both that all taxes levied have been paid in full and that all of the following
28 apply:

29 * * *

1 (e) The package in which the sparkling wine or still wine is shipped is
 2 prominently labeled; ~~as containing beverage alcohol~~ "CONTAINS ALCOHOL:
 3 SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

4 The label shall also indicate that the waiver of signature is not permitted.

5 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 114 Original

2017 Regular Session

Chad Brown

Abstract: Authorizes the sale of wine in 250 milliliter containers and provides for labeling requirements for the direct shipment of wine.

Present law requires all wine sold in or shipped into La. to be in containers of certain sizes.

Proposed law retains present law and authorizes the sale or shipment of wine in 250 ml containers, and provides that a case of 250 ml containers shall consist of 24 containers.

Present law provides for the direct shipment of sparkling or still wine under certain conditions including but not limited to:

- (1) The consumer is 21 years of age or older.
- (2) The wine is for the personal consumption of the consumer.
- (3) The total amount of wine shipped in 750 ml bottles does not exceed 144 bottles per adult per address per calendar year.
- (4) The wine producer, manufacturer, or retailer holds a valid license issued by the state of its domicile.
- (5) The package in which the wine is shipped is prominently labeled as containing an alcoholic beverage.
- (6) The package is received by a person 21 years of age or older.
- (7) The package contains an invoice detailing the date, price, and description of the items shipped.
- (8) The wine producer or manufacturer has obtained the required permits and paid the required fees.

Proposed law retains present law except it alters the language that must appear on the label of the package, and specifies that the label shall also indicate that the waiver of a signature of a person aged 21 years or older is not permitted.

(Amends R.S. 26:351(2)(a) and (4)(a) and 359(B)(1)(e))