
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Substitute for Original House Bill No. 263 by Representative Bourriaque as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 26:85(introductory paragraph) and (6) and to enact R.S. 26:2(35), (36), and 85(7), relative to alcoholic beverages; to provide relative to the definitions of distilling, manufacturing distiller, and manufacturing distillery; to authorize manufacturing distillers to sell or serve to the public from any facility; to provide for applicability to manufacturing distillers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:85(introductory paragraph) and (6) are hereby amended and reenacted and R.S. 26:2(35), (36), and 85(7) 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:

* * *

(35) "Distill, distilling, and distilled" means the process of producing liquor by distillation through one or more stills located at a licensed premises as part of a distiller's process of engaging in the material and essential aspects of manufacturing such distilled spirits for human consumption.

* * *

(36) "Manufacturing distillery" or "manufacturing distiller" means any person who personally or through any agent whatever engages in the distilling of any alcoholic beverage in Louisiana; engages in the distilling any alcoholic beverage outside Louisiana for sale in Louisiana; or engages in the business of supplying distilled alcoholic beverages to licensed wholesale dealers in Louisiana.

* * *

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

Except as provided in Paragraphs (1) through ~~(6)~~ (7) of this Section, no person shall, at the same time, engage in business as a manufacturer, manufacturing distiller, or wine producer and as a wholesaler, as a wholesaler and as a manufacturer, manufacturing distiller, or wine producer, as a manufacturer, manufacturing distiller, or wine producer and as a retailer, as a retailer and as a manufacturer, manufacturing distiller, or wine producer, as a wholesaler and as a retailer, or as a retailer and as a wholesaler of any regulated beverage.

However:

* * *

(6) Provided that manufacturing distillers comply with the provisions of R.S. 26:90, manufacturing distillers who own and operate one or more manufacturing distilleries, may sell or serve their finished products at retail directly to consumers at farmers' markets and similar venues defined by the commissioner pursuant to rules and regulations promulgated in accordance with the Administrative Procedure Act.

~~(6)~~(7) 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 does not exceed 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.

DIGEST

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HB Draft

2023 Regular Session

Abstract: Adds definitions for distilling, manufacturing distiller, and manufacturing distillery and authorizes manufacturing distillers to perform certain acts in the same manner as wine producers.

Present law provides relative to the Alcohol Beverage Control Law.

Present law provides for definitions of alcoholic beverages for low and high alcoholic content.

Proposed law retains present law and adds definitions for distill, distilling, and distilled and manufacturing distillery or manufacturing distiller.

Present law authorizes wine producers who are not performing any of the prohibited acts or whose license has not been suspended or revoked as provided in R.S. 26:90, who own and operate one or more wineries to sell or serve their finished products at retail to consumers at fairs, festivals, farmers' markets, and similar venues.

Proposed law retains present law and authorizes manufacturing distillers in compliance with R.S. 26:90 to sell or serve their products in the same manner as wine producers.

(Amends R.S. 26:85(introductory paragraph) and (6); Adds R.S. 26:2(35), (36), and 85(7))