

2026 Regular Session

HOUSE BILL NO. 1053

BY REPRESENTATIVES VENTRELLA AND KNOX

ALCOHOLIC BEVERAGES: Provides relative to the definitions of a "dealer" and a "retail dealer"

1 AN ACT

2 To amend and reenact R.S. 26:2(7) and 241(24) and to enact R.S. 26:4 and 273.1, relative
3 to alcoholic beverages; to provide for definitions; to provide for complimentary
4 alcoholic beverage service; to provide for requirements and limitations; to provide
5 for exemptions; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:2(7) and 241(24) are hereby amended and reenacted and R.S. 26:4
8 and 273.1 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 (7) "Dealer" means any person who, as a business, manufactures, blends,
15 rectifies, distills, processes, imports, stores, uses, handles, holds, sells, offers for sale,
16 solicits orders for the sale of, distributes, delivers, serves, or transports any alcoholic
17 beverage in ~~the~~ this state or engages ~~herein~~ in any business transaction relating to any
18 such alcoholic beverage. Notwithstanding the provisions of this Paragraph, for
19 purposes of this Chapter, "dealer" shall not be construed to include a retailer of
20 goods or services whose business operations do not include the sale of alcoholic
21 beverages and that may offer or furnish an alcoholic beverage to one or more
22 customers solely on a complimentary basis, without direct or indirect consideration,

1 be construed to include a retailer of goods or services whose business operations do
2 not include the sale of alcoholic beverages and that may offer or furnish an alcoholic
3 beverage to one or more customers solely on a complimentary basis, without direct
4 or indirect consideration, and only as incidental to its principal business. Such
5 complimentary service does not constitute engaging in the business of dealing in
6 alcoholic beverages and does not require a permit pursuant to this Chapter, provided
7 that all alcoholic beverages are purchased from a retailer licensed in this state.

8 * * *

9 §273.1. Complimentary alcoholic beverage service; requirements and limitations;
10 exemption from permit requirement

11 A. For the purposes of this Section, "complimentary service" means
12 providing an alcoholic beverage to a patron, customer, or guest at no charge. No fee
13 or consideration of any kind may be imposed as a condition of, or in exchange for,
14 access to or receipt of any alcoholic beverage. Any reimbursement or cost recovery
15 through any mechanism, including bundling with any good or service, or any charge
16 for entry, admission, cover, or service associated in any manner with access to such
17 beverages constitutes a sale for purposes of this Chapter.

18 B. Notwithstanding any other provision of law to the contrary, the permit
19 requirement of this Chapter does not apply to a business offering alcoholic beverages
20 on a complimentary basis in strict accordance with all of the following conditions:

21 (1) All costs associated with complimentary service shall be borne
22 exclusively by the business. All alcoholic beverages offered pursuant to this Section
23 shall be purchased from a retailer duly licensed in accordance with this Title. All
24 invoices, receipts, and records related to the purchases shall be maintained by the
25 business for a minimum of two years and may be subject to inspection upon request
26 by the commissioner.

27 (2) No manufacturer, wholesaler, or retailer licensed in accordance with this
28 Title shall directly or indirectly subsidize, donate, discount, or otherwise defray the
29 cost of any alcoholic beverage offered as a complimentary service as described in
30 this Section.

1 (3) A business offering complimentary service remains subject to all
2 applicable state and local ordinances including excise, sales, and consumption taxes.

3 (4) A business offering alcoholic beverages on a complimentary basis shall
4 not do any of the following:

5 (a) Advertise, promote, or otherwise communicate the availability of
6 complimentary alcoholic beverages through any medium, including interior or
7 exterior signage, printed materials, electronic media, or social media.

8 (b) Operate a backbar, wet bar, bar counter, or any similar dedicated alcohol
9 service structure on its premises nor publicly display any alcoholic beverages.

10 (c) Provide more than two servings no greater than standard industry sizes
11 per person per day. All beverages shall be served by the business in single-use
12 disposable drinkware. The business shall not allow the patron to remove the
13 complimentary alcoholic beverage from the premises.

14 (d) Serve alcoholic beverages to any person under twenty-one years of age
15 or to any visibly intoxicated person. Violation subjects the business and any
16 responsible individual to the penalties provided in R.S. 14:93.10 et seq., and all other
17 applicable law.

18 C. The exemption provided by this Section does not apply to any business
19 that is otherwise required to hold a permit pursuant to this Chapter by reason of
20 engaging in the dealing, sale, or service of alcoholic beverages as a primary or
21 substantial component of its business operations.

22 D. The commissioner may adopt rules and regulations in accordance with
23 the Administrative Procedure Act to implement the provisions of this Section.

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

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 1053 Reengrossed

2026 Regular Session

Ventrella

Abstract: Redefines "dealer" and "retail dealer" for purposes of alcohol permits and provides relative to businesses offering complimentary services.

Present law defines "dealer," for purposes of issuing an alcohol permit, as any person who, as a business, manufactures, blends, rectifies, distills, processes, imports, stores, uses, handles, holds, sells, offers for sale, solicits orders for the sale of, distributes, delivers, serves, or transports any alcoholic beverage in the state of La.

Proposed law retains present law but provides that "dealer" does not mean a retailer of goods or services whose business operations do not include the sale of alcoholic beverages, when the retailer offers an alcoholic beverage to one or more customers on a complimentary basis and only as incidental to its principal business.

Proposed law further provides that this service does not constitute engaging in the business of dealing in alcoholic beverages and does not require an alcohol permit, provided that all alcoholic beverages are purchased from a retailer licensed in the state of La.

Proposed law defines "complimentary service" as providing an alcoholic beverage to a patron, customer, or guest at no charge.

Proposed law provides that businesses that offer complimentary alcoholic beverages do not need an alcohol permit provided they comply with the following conditions:

- (1) All costs associated with complimentary service are borne exclusively by the business.
- (2) No manufacturer, wholesaler, or retailer that has an alcohol permit can directly or indirectly subsidize, donate, discount, or otherwise defray the cost of any alcoholic beverage offered as a complimentary service.
- (3) A business offering complimentary service remains subject to all applicable state and local ordinances including excise, sales, and consumption taxes.
- (4) A business offering alcoholic beverages on a complimentary basis cannot advertise, operate a backbar, provide more than two servings no greater than standard industry sizes per person per day, or serve alcoholic beverages to any person under 21 years of age or to any visibly intoxicated person.

Proposed law provides that the exemption from having a permit does not apply to any business that is otherwise required to hold a permit.

Proposed law permits the commissioner of the office of alcohol and tobacco control (ATC) to adopt rules and regulations in accordance with the APA to implement the provisions relative to complimentary service.

Present law defines "retail dealer," for purposes of issuing an alcohol permit, as every person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells alcoholic beverages in any quantity to persons other than licensed wholesale or retail dealers.

Proposed law retains present law but provides that "retail dealer" does not mean a retailer of goods or services whose business operations do not include the sale of alcoholic beverages, when the retailer offers an alcoholic beverage to one or more customers on a complimentary basis and only as incidental to its principal business.

Proposed law further provides that this service does not constitute engaging in the business of dealing in alcoholic beverages and does not require an alcohol permit, provided that all alcoholic beverages are purchased from a retailer licensed in the state of La.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:2(7) and 241(24); Adds R.S. 26:4 and 273.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide for exemptions from the requirements for having alcohol permits for businesses that provide "complimentary services" to patrons.
2. Provide eligibility requirements for exemption.
3. Authorize the commissioner to adopt rules to effectuate proposed law relative to complimentary services.