

Regular Session, 2011

SENATE BILL NO. 55

BY SENATOR MURRAY

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

ALCOHOLIC BEVERAGES. Provides relative to direct shipment of wine by instate retailers.

AN ACT

To amend and reenact R.S. 26:359(A), the introductory paragraph of (B)(1), and (B)(1)(h), relative to distribution of alcoholic beverages; to provide for direct shipment of certain alcoholic beverages to consumers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:359(A), the introductory paragraph of (B)(1), and (B)(1)(h) are hereby amended and reenacted to read as follows:

§359. Distribution of alcoholic beverages through wholesalers only

A. Except as provided in Subsection B of this Section and R.S. 26:271.1~~and~~ 326, no alcoholic beverages as defined in R.S. 26:241(1) produced or manufactured inside or outside of this state shall be sold or offered for sale in Louisiana, or shipped or transported into or within the state, except to the holder of a wholesaler's permit. Delivery of alcoholic beverages produced or manufactured inside or outside of this state shall be made at the place of business of the wholesaler shown on the wholesaler's permit, and must be received and warehoused by the wholesaler at that place of business, where such alcoholic beverages shall come to rest before delivery is made to any retailer.

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

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(h) The wine producer, manufacturer, or retailer **domiciled outside of Louisiana** has complied with the provisions of Subsections C and D of this Section.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

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#### DIGEST

Present law provides that no alcoholic beverages produced or manufactured inside or outside of this state shall be sold or offered for sale in Louisiana, or shipped or transported into or within the state, except to the holder of a wholesaler's permit.

Present law excepts sparkling wine and still wine from the prohibition in present law to allow such wine to be shipped directly to a consumer in Louisiana by the manufacturer or retailer of such beverage domiciled outside of Louisiana, or by a wine producer domiciled inside or outside of Louisiana, provided both that all taxes levied have been paid in full and that all of the following apply:

1. The consumer is twenty-one years of age or older.
2. The sparkling wine or still wine is for that consumer's personal consumption.
3. The total amount of sparkling wine or still wine shipped does not exceed forty-eight seven hundred fifty milliliter bottles per calendar year per adult person per household address.
4. The wine producer, manufacturer, or retailer engaging in such direct sales holds a valid wine producer's, manufacturer's, or retailer's license issued by the state of its domicile.
5. The package in which the sparkling wine or still wine is shipped is prominently labeled as containing beverage alcohol.
6. The package in which such sparkling wine or still wine is shipped is received by a person twenty-one years of age or older.
7. The package contains an invoice indicating the date of the shipment, providing a full and complete description of all items included in the shipment, and stating the price thereof.

8. The wine producer, manufacturer, or retailer has complied with certain provisions of law.
9. The seller or shipper who is a wine producer or manufacturer is not a party, directly or indirectly, to any agreement in which a wholesaler licensed by the state of Louisiana has been granted the right to purchase and to sell any sparkling wine or still wine produced by the manufacturer. This does not include any sale of sparkling wine or still wine perfected on the premises of the wine producer or manufacturer and completed by shipment to a consumer in Louisiana otherwise made in accordance with certain provisions of law.

Proposed law maintains present law and allows manufacturers or retailers of sparkling wine or still wine who are domiciled in Louisiana to sell and ship directly to consumers in Louisiana.

Effective August 15, 2011.

(Amends R.S. 26:359(A), (B)(1) (intro para), and (B)(1)(h))