SENATE BILL NO. 55

27

BY SENATOR MURRAY

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

1	AN ACT
2	To amend and reenact R.S. 26:85(6), 354(A), 359(A), the introductory paragraph of (B)(1),
3	(c) and (h), (C)(2) and (3), and (D), relative to distribution of alcoholic beverages;
4	to provide for direct shipment of certain alcoholic beverages to consumers; to
5	provide for the amount of wine which may be shipped directly to consumers; to
6	provide for reporting periods of such shipments; to provide for the time period for
7	payment of taxes for such shipments; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 26:85(6), 354(A), 359(A), the introductory paragraph of 359(B)(1),
10	(B)(1)(c) and (h), and (C)(2) and (3) and (D) are hereby amended and reenacted to read as
11	follows:
12	§85. Combination of manufacturer, wholesale, and/or and retail business prohibited;
13	exceptions
14	Except as provided in Paragraphs (1) through (6) of this Section, no
15	person shall, at the same time, engage in business as a manufacturer or wine
16	producer and as a wholesaler, as a wholesaler and as a manufacturer or wine
17	producer, as a manufacturer or wine producer and as a retailer, as a retailer
18	and as a manufacturer or wine producer, as a wholesaler and as a retailer, or
19	as a retailer and as a wholesaler of any regulated beverage. However:
20	* * *
21	(6) Notwithstanding any other provision of law to the contrary, wine
22	producers who operate one or more wineries may sell and ship directly to a
23	consumer in Louisiana provided that the total amount of sparkling wine or
24	still wine shipped to any single household address does not exceed
25	forty-eight seven hundred fifty milliliter bottles in seven hundred fifty
26	milliliter bottles, not to exceed one hundred forty-four bottles per adult

person per household address per calendar year.

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4	A. <u>(1) Ex</u>			
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6	content shall fil			
7	fifteenth day of the			
8	report shall show			
9	content and suc			
10	regulation.			
11	(2) Ever			
12	ships wine dire			
13	26:359(B) shall			
14	26:359(D).			
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16	§359. Distributio			
17	A. Excep			
18	326 , no alcoholic			
19	inside or outside			
20	or transported in			
21	Delivery of alcoh			
22	state shall be m			
23	wholesaler's perr			
24	place of business			
25	is made to any re			
26	B.(1) No			
27	sparkling wine of			
28	Louisiana by the			

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§354. Payment and reporting of taxes; discounts; rules and regulations; enforcement; forfeitures and penalties; redemption of tax stamps

A.(1) Except as provided in Paragraph (2) of this Subsection, every Every manufacturer or wholesaler of beverages of high alcoholic content shall file with the secretary a monthly report on or before the fifteenth day of the month succeeding the period covered by the report. The report shall show sales or other handling of beverages of high alcoholic content and such other information as the secretary may require by regulation.

(2) Every wine producer, manufacturer, or retailer who sells and ships wine directly to a consumer in Louisiana as provided in R.S. 26:359(B) shall report and pay all applicable taxes as provided in R.S. 26:359(D).

* * *:

§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 <u>inside or</u> 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

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1	apply:
2	* * *
3	(c) The total amount of sparkling wine or still wine shipped does not exceed
4	forty-eight seven hundred fifty milliliter bottles in seven hundred fifty milliliter
5	bottles does not exceed one hundred forty-four bottles per adult person per
6	<u>household address</u> per calendar year per adult person per household address .
7	* * *
8	(h) The wine producer, manufacturer, or retailer domiciled outside of
9	<u>Louisiana</u> has complied with the provisions of Subsections C and D of this Section.
10	* * *
11	C. * * *
12	(2) Any retailer, domiciled outside of Louisiana, of sparkling wine or still
13	wine engaging in the direct shipment of such beverages under the provisions of
14	Subsection B of this Section shall make an annual application to the secretary of the
15	Department of Revenue for the authority to make such shipments and shall pay an
16	annual fee of one thousand five hundred dollars to the Department of Revenue prior
17	to selling or shipping any sparkling wine or still wine into the state of Louisiana.
18	(3) The annual application for authority to make such shipments shall be in
19	a written form specified by the secretary of the Department of Revenue, and shall
20	include the express agreement of the wine producer, manufacturer, or out of state
21	retailer to pay all excise and sales and use taxes assessed by the state of Louisiana
22	on the sparkling wine or still wine sold and shipped pursuant to Subsection B of this
23	Section. A copy of the current wine producer's, manufacturer's, or out of state
24	retailer's license issued to such wine producer, manufacturer, or out of state retailer
25	by the state in which the wine producer, manufacturer, or out of state retailer is
26	domiciled shall be submitted to the secretary of the Department of Revenue with the
27	application. No other permit or license shall be required of any such wine producer,
28	manufacturer, or out of state retailer in connection with the direct shipment of

D. Any (1) Except as provided in Paragraph (2) of this Subsection, any

sparkling wine or still wine pursuant to Subsection B of this Section.

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wine producer, manufacturer, or out of state retailer who sells and ships directly to a consumer in Louisiana pursuant to Subsection B of this Section shall, within twenty days after the end of each calendar month, file with the secretary of the Department of Revenue a statement showing the total number of bottles sold and shipped during the preceding calendar month, the sizes of those bottles, the name brand of each sparkling wine or still wine included in such shipments, the quantities of each sparkling wine or still wine included in such shipments, and the price of each item included in such shipments. All excise and sales or and use taxes due to the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to Subsection B of this Section shall be remitted by company check drawn on an account in the name of the permit holder or by electronic funds transfer at the time of the filing of the required statement, and copies of all invoices transmitted with each such shipment shall be attached to the statement. This statement shall be made on forms prescribed and furnished by the secretary of the Department of Revenue and shall include such other information as the secretary of the Department of Revenue may require.

(2) Beginning on January 1, 2012, any wine producer, manufacturer, or out of state retailer who sells and ships directly to a consumer in Louisiana pursuant to Subsection B of this Section shall file a statement quarterly indicating the amount of sparkling wine or still wine shipped to the state of Louisiana with the secretary of the Department of Revenue. The statement shall be filed by January twentieth, April twentieth, July twentieth, and October twentieth of each calendar year and shall indicate the total number of bottles sold and shipped during the preceding three-month period, the sizes of those bottles, the name brand of each sparkling wine or still wine included in such shipments, the quantities of each sparkling wine or still wine included in such shipments, and the price of each item included in such shipments. All excise and sales and use taxes due to the state of Louisiana on the sparkling wine or still wine sold and shipped pursuant to Subsection B of this Section shall be remitted by company check drawn on an account in the name of the permit

holder or by electronic funds transfer at the time of the filing of the required 1 2 statement, and copies of all invoices transmitted with each shipment shall be 3 attached to the statement. This statement shall be made on forms prescribed 4 and furnished by the secretary of the Department of Revenue and shall include 5 such other information as the secretary of the Department of Revenue may require. 6 7 8 Section 2. This Act shall become effective upon signature by the governor or, if not 9 signed by the governor, upon expiration of the time for bills to become law without signature 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become 12 effective on the day following such approval. 13 PRESIDENT OF THE SENATE SPEAKER OF THE HOUSE OF REPRESENTATIVES GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____