

Regular Session, 2014

HOUSE BILL NO. 345

BY REPRESENTATIVE ARNOLD

ALCOHOLIC BEVERAGES: Provides relative to alcoholic beverage laws

1 AN ACT

2 To amend and reenact R.S. 26:2 and 71(A)(4), relative to the alcoholic beverage control  
3 laws; to provide for the definition of "broker"; to provide relative to permit fees for  
4 brokers; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:2 and 71(A)(4) are hereby amended and reenacted to read as  
7 follows:

8 §2. Definitions

9 For purposes of this Chapter, the following terms have the respective  
10 meanings ascribed to them in this Section, unless a different meaning clearly appears  
11 from the context:

12 (1) "Alcoholic beverages" means any fluid or solid capable of being  
13 converted into fluid, suitable for human consumption and having an alcoholic  
14 content of more than six per cent by volume, including alcohol.

15 (2) "Bottler of wine" means any wine wholesaler who imports wine into the  
16 state in bulk and puts it in a closed container for distribution to other wholesale  
17 dealers.

18 (3) "Broker" means any person, other than licensed dealers, who may solicit,  
19 receive, or transmit orders for beverage alcohol as an agent of one or more licensed

1        dealers, and does not maintain an inventory of, possess a property right in, or deliver  
2        any beverage alcohol.

3            ~~(3)~~(4) "Commissioner" means the commissioner of alcohol and tobacco  
4        control who shall be the assistant secretary of the office of alcohol and tobacco  
5        control in the Department of Revenue.

6            ~~(4)~~(5) "Cordial liquors and specialties" means liquor obtained by the process  
7        of mixing or redistilling with or over fruit, flowers, plants, or juices therefrom and  
8        to which sugar or dextrose, or both, have been added in an amount not less than two  
9        and one-half per cent by weight of the finished product.

10          ~~(5)~~(6) "Dealer" means any person who, as a business, manufactures, blends,  
11        rectifies, distills, processes, imports, stores, uses, handles, holds, sells, offers for sale,  
12        solicits orders for the sale of, distributes, delivers, serves, or transports any alcoholic  
13        beverage in the state or engages herein in any business transaction relating to any  
14        such beverage.

15          ~~(6)~~(7) "Dinner theater" means an establishment that is a "restaurant  
16        establishment", as defined by R.S. 26:73(C)(1), where food orders are taken and food  
17        service is provided in both a restaurant dining area and where patrons are seated to  
18        view live theatrical productions or the showing of film, still pictures, electronic or  
19        digital reproductions, or other visual reproductions.

20          ~~(7)~~(8) "Liquor" means all distilled or rectified alcoholic spirits, brandy,  
21        whiskey, rum, gin, and all similar distilled alcoholic beverages, including all  
22        dilutions and mixtures of one or more of the foregoing, such as liquors, cordials, and  
23        similar compounds.

24          ~~(8)~~(9) "Liquor retail distribution center" means any liquor retailer who has  
25        continuously maintained a distribution center or centers for distribution to its wholly  
26        owned retail permittees on or prior to January 1, 1961, in this state, or any  
27        commercial airline which stores alcoholic beverages in sealed containers of any size  
28        at any airport regularly served by the permittee. Such possession for retail sale or

1 distribution therefrom shall be limited to alcohol of high volume content in any  
2 quantity.

3 ~~(9)~~(10) "Liquor retailer" means any dealer, other than a manufacturer or  
4 wholesaler, who sells, offers for sale, exposes for sale, or has in his possession for  
5 sale or distribution any alcoholic beverages in any quantity.

6 ~~(10)~~(11) "Liquor wholesaler" means any dealer who sells any alcoholic  
7 beverage to other licensed liquor wholesale dealers or to licensed retail liquor dealers  
8 in the state or who sells alcoholic beverages for delivery beyond the borders of the  
9 state in amounts to be fixed by the commissioner, or who imports any alcoholic  
10 beverages into the state, and who meets the standards set forth in this Chapter.

11 ~~(11)~~(12) "Manufacturer" means any person, other than a wine producer, who  
12 personally or through any agent whatever engages in the making, blending,  
13 rectifying, or processing of any alcoholic beverage in Louisiana; engages in the  
14 making, blending, rectifying, or processing any alcoholic beverage outside Louisiana  
15 for sale in Louisiana; or engages in the business of supplying alcoholic beverages to  
16 licensed wholesale dealers in Louisiana.

17 ~~(12)~~(13) "Outlet" means a place where any person draws or removes any  
18 alcoholic beverage from its container for consumption on the premises.

19 ~~(13)~~(14) "Package house-Class B" means a place consisting of no less than  
20 five hundred square feet of public habitable area which sells alcoholic beverages in  
21 factory sealed containers for transportation and consumption off the premises and  
22 where no person is allowed to tamper with or otherwise disrupt the manufacturer's  
23 seal on or about the licensed premises.

24 ~~(14)~~(15) "Regulated beverage" means any alcoholic beverage.

25 ~~(15)~~(16) "Solicitor" means any person who offers for sale or solicits any  
26 orders for the sale of any regulated beverage, other than in a regularly established  
27 and licensed place of business in this state, for delivery or shipment to any point in  
28 the state, whether done as owner, agent, or servant.

1           ~~(16)~~(17) "Sparkling wine" means any effervescent alcoholic beverage  
2           derived from the juice of any fruit, or synthesis thereof, charged with carbon dioxide,  
3           either artificially or as the result of secondary fermentation within the container.

4           ~~(17)~~(18) "Still wine" means any non-effervescent alcoholic beverage derived  
5           from the juice of any fruit, or synthesis thereof.

6           ~~(18)~~(19) "Supplier" means any person, other than a wine producer, who  
7           manufactures, makes, blends, rectifies, distills, processes, or purchases alcoholic  
8           beverages outside the state of Louisiana and imports, sells, offers for sale, solicits  
9           orders for sale, distributes, or delivers such alcoholic beverages in Louisiana.

10          ~~(19)~~(20) "Wholesale dealer" means those persons who sell alcoholic  
11          beverages of high alcoholic content to licensed wholesale dealers or licensed retail  
12          dealers exclusively, within the state or to any person for delivery beyond the borders  
13          of the state to a licensed dealer in that state and who conduct a bona fide wholesale  
14          business and maintain a warehouse or warehouses for the storage and warehousing  
15          of alcoholic beverages of high alcoholic content in the area where domiciled and  
16          licensed by the state, and conduct and maintain systematic and regular solicitations,  
17          distribution, deliveries, and sales of said beverages to licensed retail dealers located  
18          within the boundary of each parish, municipality, or geographic area, as contractually  
19          defined between the wholesaler and his supplier, in which the wholesale dealer  
20          makes any sale or delivery.

21          ~~(20)~~(21) "Wine package house" means a place where a person sells only  
22          sparkling wine and still wine in the original package or closed container, prepared  
23          for transportation and consumption off the premises.

24          ~~(21)~~(22) "Wine producer" means any person who, directly or indirectly,  
25          personally or through any agency, cultivates and grows grapes, fruits, berries, honey,  
26          or vegetables from which wine of an alcoholic content in excess of six percent by  
27          volume is produced and bottled from a fermentation of such grapes, fruits, berries,  
28          honey, or vegetables in Louisiana or outside the state for shipments to licensed  
29          wholesale dealers within the state subject to the provisions of R.S. 26:364.

~~(22)~~(23) "Winery" means a plot of land located in Louisiana used to cultivate and grow grapes, fruits, berries, honey, or vegetables for the purpose of fermenting such grapes, fruits, berries, honey, or vegetables to produce and bottle wine of an alcoholic content in excess of six percent by volume.

~~(23)~~(24) "Wine wholesaler" means any dealer who sells only sparkling wine and still wine to other licensed wholesale dealers or to licensed retail dealers for resale within the state.

\* \* \*

### §71. Permits required; fees; exception

A. Except as provided in Subsections B and C of this Section, before engaging in the business of manufacturing, supplying, or dealing in alcoholic beverages, all persons shall obtain from the commissioner, according to established rules and regulations, a permit to conduct each separate business and shall pay the commissioner a fee not to exceed the amounts provided for in the following schedule and in accordance with regulations promulgated pursuant to the provisions of the Administrative Procedure Act for each year the permit is valid:

\* \* \*

(4) Solicitors or brokers - five dollars each. No solicitor shall represent more than one dealer, and that dealer's name and address shall appear on the solicitor's permit.

\* \* \*

# 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)]

Arnold

HB No. 345

**Abstract:** Provides for the definition and relative fees for a "broker".

Proposed law defines a "broker" to mean any person, other than a licensed dealer, who may solicit, receive, or transmit orders for beverage alcohol as an agent of one or more licensed dealers, and does not maintain an inventory of, possess a property right in, or deliver any beverage alcohol.

Present law requires a \$5 permit fee for solicitors, prohibits a solicitor from representing more than one dealer, and further requires the dealer's name and address to appear on the solicitor's permit.

Proposed law retains present law and extends the \$5 permit fee to brokers.

(Amends R.S. 26:2 and 71(A)(4))