

Regular Session, 2014

HOUSE BILL NO. 471

BY REPRESENTATIVE HUNTER

ALCOHOLIC BEVERAGES: Authorizes the sale of wine ice cream in the state of Louisiana

1 AN ACT

2 To amend and reenact R.S. 26:3(A)(2) and 421(A)(2) and R.S. 40:607(A)(11), relative to the  
3 sale of certain food products with alcoholic content; to exempt ice cream from the  
4 regulations of the office of alcohol and tobacco control; to remove ice cream from  
5 the meaning of the term "adulterated food"; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:3(A)(2) and 421(A)(2) are hereby amended and reenacted to read  
8 as follows:

9 §3. Exempt products

10 A. The provisions of this Chapter do not apply to the sale of:

11 \* \* \*

12 (2) Flavoring extracts, syrups, and food products. For purposes of this  
13 Subsection, the term "food" shall include ice cream.

14 \* \* \*

15 §421. Exempt products

16 A. The provisions of this Chapter do not apply to the sale of:

17 \* \* \*

18 (2) Flavoring extracts, syrups, and food products. For purposes of this  
19 Subsection, the term "food" shall include ice cream.

20 \* \* \*

1 Section 2. R.S. 40:607(A)(11) is hereby amended and reenacted to read as follows:

2 §607. Adulterated food

3 A. A food is considered adulterated if it has been found to be such by any  
4 department of the United States government, or:

5 \* \* \*

6 (11) If it is confectionery ~~or ice cream~~ and it contains any alcohol, resinous  
7 glaze, or nonnutritive substance, except harmless coloring, harmless resinous glaze,  
8 harmless flavoring, natural gum, and pectin; provided, that this Paragraph shall not  
9 apply to any confectionery by reason of its containing less than ten percent by  
10 volume of alcohol or to any chewing gum by reason of its containing harmless  
11 nonnutritive masticatory substance. For purposes of this Subsection, the term  
12 "adulterated" shall not include ice cream.

13 \* \* \*

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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)]

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Hunter

HB No. 471

**Abstract:** Authorizes the sale of ice cream as an alcoholic beverage with low and high alcoholic content.

Present law exempts certain products, including flavoring extracts, syrups, and food products from the provisions of present law related to the regulation of alcoholic beverages with low and high alcoholic content.

Proposed law retains present law and adds that ice cream is included in the term "food products".

Present law provides that a food is considered adulterated if it is confectionery or ice cream and it contains any alcohol, resinous glaze, or nonnutritive substance, except harmless coloring, harmless resinous glaze, harmless flavoring, natural gum, and pectin.

Proposed law removes the term "ice cream" from the definition of "adulterated".

Present law provides that present law shall not apply to any confectionery by reason of its containing less than ten percent by volume of alcohol or to any chewing gum by reason of its containing harmless nonnutritive masticatory substance.

Proposed law retains present law.

(Amends R.S. 26:3(A)(2) and 421(A)(2) and R.S. 40:607(A)(11))