

Regular Session, 2014

HOUSE BILL NO. 345

BY REPRESENTATIVE ARNOLD

## AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

## §2. Definitions

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

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

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

(3) "Broker" means any person, other than licensed dealers, 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.

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

1           ~~(4)~~(5) "Cordial liquors and specialties" means liquor obtained by the process  
2           of mixing or redistilling with or over fruit, flowers, plants, or juices therefrom and  
3           to which sugar or dextrose, or both, have been added in an amount not less than two  
4           and one-half per cent by weight of the finished product.

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

10          ~~(6)~~(7) "Dinner theater" means an establishment that is a "restaurant  
11          establishment", as defined by R.S. 26:73(C)(1), where food orders are taken and food  
12          service is provided in both a restaurant dining area and where patrons are seated to  
13          view live theatrical productions or the showing of film, still pictures, electronic or  
14          digital reproductions, or other visual reproductions.

15          ~~(7)~~(8) "Liquor" means all distilled or rectified alcoholic spirits, brandy,  
16          whiskey, rum, gin, and all similar distilled alcoholic beverages, including all  
17          dilutions and mixtures of one or more of the foregoing, such as liquors, cordials, and  
18          similar compounds.

19          ~~(8)~~(9) "Liquor retail distribution center" means any liquor retailer who has  
20          continuously maintained a distribution center or centers for distribution to its wholly  
21          owned retail permittees on or prior to January 1, 1961, in this state, or any  
22          commercial airline which stores alcoholic beverages in sealed containers of any size  
23          at any airport regularly served by the permittee. Such possession for retail sale or  
24          distribution therefrom shall be limited to alcohol of high volume content in any  
25          quantity.

26          ~~(9)~~(10) "Liquor retailer" means any dealer, other than a manufacturer or  
27          wholesaler, who sells, offers for sale, exposes for sale, or has in his possession for  
28          sale or distribution any alcoholic beverages in any quantity.

29          ~~(10)~~(11) "Liquor wholesaler" means any dealer who sells any alcoholic  
30          beverage to other licensed liquor wholesale dealers or to licensed retail liquor dealers

1 in the state or who sells alcoholic beverages for delivery beyond the borders of the  
2 state in amounts to be fixed by the commissioner, or who imports any alcoholic  
3 beverages into the state, and who meets the standards set forth in this Chapter.

4 ~~(11)~~(12) "Manufacturer" means any person, other than a wine producer, who  
5 personally or through any agent whatever engages in the making, blending,  
6 rectifying, or processing of any alcoholic beverage in Louisiana; engages in the  
7 making, blending, rectifying, or processing any alcoholic beverage outside Louisiana  
8 for sale in Louisiana; or engages in the business of supplying alcoholic beverages to  
9 licensed wholesale dealers in Louisiana.

10 ~~(12)~~(13) "Outlet" means a place where any person draws or removes any  
11 alcoholic beverage from its container for consumption on the premises.

12 ~~(13)~~(14) "Package house-Class B" means a place consisting of no less than  
13 five hundred square feet of public habitable area which sells alcoholic beverages in  
14 factory sealed containers for transportation and consumption off the premises and  
15 where no person is allowed to tamper with or otherwise disrupt the manufacturer's  
16 seal on or about the licensed premises.

17 ~~(14)~~(15) "Regulated beverage" means any alcoholic beverage.

18 ~~(15)~~(16) "Solicitor" means any person who offers for sale or solicits any  
19 orders for the sale of any regulated beverage, other than in a regularly established  
20 and licensed place of business in this state, for delivery or shipment to any point in  
21 the state, whether done as owner, agent, or servant.

22 ~~(16)~~(17) "Sparkling wine" means any effervescent alcoholic beverage  
23 derived from the juice of any fruit, or synthesis thereof, charged with carbon dioxide,  
24 either artificially or as the result of secondary fermentation within the container.

25 ~~(17)~~(18) "Still wine" means any non-effervescent alcoholic beverage derived  
26 from the juice of any fruit, or synthesis thereof.

27 ~~(18)~~(19) "Supplier" means any person, other than a wine producer, who  
28 manufactures, makes, blends, rectifies, distills, processes, or purchases alcoholic  
29 beverages outside the state of Louisiana and imports, sells, offers for sale, solicits  
30 orders for sale, distributes, or delivers such alcoholic beverages in Louisiana.

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

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

~~(21)~~(22) "Wine producer" means any person who, directly or indirectly, personally or through any agency, cultivates and grows grapes, fruits, berries, honey, or vegetables from which wine of an alcoholic content in excess of six percent by volume is produced and bottled from a fermentation of such grapes, fruits, berries, honey, or vegetables in Louisiana or outside the state for shipments to licensed 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.

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§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:

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(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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_