

2019 Regular Session

HOUSE BILL NO. 246

BY REPRESENTATIVE SIMON

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

ALCOHOLIC BEVERAGES: Provides relative to brewing facilities

1 AN ACT

2 To amend and reenact R.S. 26:241(10) and to enact R.S. 26:307 relative to alcohol beverage  
3 control; to provide relative to brewing facilities; to authorize manufacturers or  
4 brewers to host private events at brewing facilities; to provide for certain restrictions  
5 with respect to private events at brewing facilities; to authorize manufacturers or  
6 brewers to charge certain fees for private events at brewing facilities; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 26:241(10) is hereby amended and reenacted and R.S. 26:307 is  
10 hereby enacted to read as follows:

11 §241. Definitions

12 The following terms have the respective meanings ascribed to them except  
13 in those instances where the context indicates a different meaning:

14 \* \* \*

15 (10) "Manufacturer or brewer" means any person who, directly or indirectly,  
16 personally or through any agency, person, or establishment, engages in the making,  
17 blending, rectifying, brewing, or other processing of alcoholic beverages in  
18 Louisiana or outside the state for shipments to licensed wholesale dealers within the  
19 state subject to the provisions of R.S. 26:364. A manufacturer or brewer who  
20 operates a brewing facility entirely located in the state of Louisiana may sell or serve  
21 only those products brewed at that facility to the public only at that facility for

1 consumption on or off the premises but not for resale. The total amount of such sales  
 2 to the public for any given month shall not exceed ten percent of the total amount of  
 3 product brewed at that facility monthly or two hundred fifty barrels, whichever is  
 4 greater. A manufacturer or brewer who operates a brewing facility entirely located  
 5 in the state of Louisiana may host private events at the brewery pursuant to the  
 6 provisions of R.S. 26:307. Any manufacturer or brewer who sells its products to the  
 7 public pursuant to this Paragraph shall remit all state and parish or municipal sales  
 8 and excise taxes to the proper tax collecting authority for all products sold to the  
 9 public. A manufacturer or brewer who sells or serves its products to the public  
 10 pursuant to this Paragraph, shall comply with all local zoning laws and regulations.

11 \* \* \*

12 §307. Private events at brewer facilities

13 A brewer may lease its facility to a third party for no more than twelve  
 14 private events per year during which wine and sparkling wine may be served to  
 15 guests of the private event if all of the following conditions are met:

16 (1) A copy of the lease is provided to the commissioner at least ten days  
 17 prior to the event.

18 (2) The brewer may charge a reasonable rental fee to the third party for the  
 19 private event.

20 (3) The third party or brewer shall not charge a cover charge, entry fee, or  
 21 sell entry tickets in connection with the event.

22 (4) No food or beverages shall be sold to guests of the private event.

23 (5) The third party may serve to guests alcoholic beverages manufactured by  
 24 the brewer. The brewer shall not charge the third party more than its standard prices  
 25 for such products.

26 (6) The third party may serve food to guests. Such food shall be prepared  
 27 either by the third party or by a restaurant or caterer hired by the third party to  
 28 prepare and serve the food.

- 1                    (7) Minors shall be allowed in the bar area of the facility during the private  
 2                    event.

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)]

HB 246 Engrossed

2019 Regular Session

Simon

**Abstract:** Authorizes manufacturers or brewers to host up to twelve private events at the brewing facility and provides certain restrictions for such events.

Present law, in part, defines "manufacturer or brewer" as any person who personally or otherwise engages in the making, blending, rectifying, brewing, or other processing of alcoholic beverages for shipments to licensed wholesale dealers within the state.

Present law provides that a manufacturer or brewer may sell or serve only those products brewed at a La. facility to the public only at that facility for consumption on or off the premises but not for resale.

Present law further provides that the total amount of sales to the public for any given month shall not exceed 10% of the total amount of the product brewed monthly or 250 barrels, whichever is greater.

Proposed law retains present law and adds that private events can be held at a brewing facility if the following conditions are met:

- (1) A copy of the lease is provided to the commissioner at least ten days prior to the event.
- (2) The brewer may charge a reasonable rental fee to the third party for the private event.
- (3) The third party or brewer shall not charge a cover charge, entry fee, or sell entry tickets in connection with the event.
- (4) No food or beverages shall be sold to guests of the private event.
- (5) The third party may serve to guests alcoholic beverages manufactured by the brewer, but the brewer shall not charge the third party more than its standard prices for such products.
- (6) The third party may serve to guests food that is prepared either by the third party or by a restaurant or caterer hired by the third party to prepare and serve the food.
- (7) Minors shall be allowed in the bar area of the facility during the private event.

(Amends R.S. 26:241(10); Adds R.S. 26:307)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law granting a general authority to host private events.

2. Limit the number of private events to not more than twelve.
3. Require a copy of the lease with the third party to be provided to the commissioner at least ten days prior to the event.
4. Place restrictions on the fees that may be charged to the third party.
5. Place restrictions on the service and sale of food and beverages to guests of the private event.
6. Authorize minors to be in the bar area of the facility during the event.