2021 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVE ROBERT OWEN

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

ALCOHOLIC BEVERAGES: Provides relative to a manufacturer or brewer and selfdistribution

1	AN ACT
2	To amend and reenact R.S. 26:241(15) and to enact R.S. 26:241(27) and (28), 242, and
3	271(A)(7), relative to the Alcoholic Beverage Control Law; to provide for
4	definitions; to provide relative to the distribution of certain alcoholic beverages; to
5	provide relative to permit fees; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 26:241(15) is hereby amended and reenacted and R.S. 26:241(27)
8	and (28), 242, and 271(A)(7) are hereby enacted to read as follows:
9	§241. Definitions
10	The following terms have the respective meanings ascribed to them except
11	in those instances where the context indicates a different meaning:
12	* * *
13	(15) "Manufacturer or brewer" means any person who, directly or indirectly,
14	personally or through any agency, person, or establishment, engages in the making,
15	blending, rectifying, brewing, or other processing of alcoholic beverages in
16	Louisiana or outside the state for shipments to licensed wholesale dealers within the
17	state subject to the provisions of R.S. 26:364. A manufacturer or brewer who
18	operates a brewing facility entirely located in the state of Louisiana shall brew at
19	least fifty percent of its monthly production at the permitted facility. Such facility
20	shall be equipped with adequate brewing systems sufficient to meet its monthly

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	production, and the facility shall maintain a valid health permit issued by the
2	Louisiana Department of Health. A manufacturer or brewer who operates a brewing
3	facility entirely located in the state of Louisiana may sell or serve only those
4	products brewed at that facility to the public only at that facility for consumption on
5	or off the premises but not for resale. The total amount of such sales to the public
6	for any given month shall not exceed ten percent of the total amount of product
7	brewed at that facility monthly or two hundred fifty barrels, whichever is greater.
8	Any manufacturer or brewer who sells its products to the public pursuant to this
9	Paragraph shall remit all state and parish or municipal sales and excise taxes to the
10	proper tax collecting authority for all products sold to the public. A manufacturer
11	or brewer who sells or serves its products to the public pursuant to this Paragraph,
12	shall comply with the requirements set forth in R.S. 26:90 and 286 and shall comply
13	with all local zoning laws and regulations.
14	* * *
15	(27) "Brewing facility" means a retail establishment wherein beer and other
16	malt beverages are brewed and sold at retail for consumption on or off the licensed
17	premises.
18	(28) "Self-distribution" means distribution by a brewer of beer or other malt
19	beverages brewed at a brewing facility entirely located in the state of Louisiana to
20	a retailer holding a Class A permit issued pursuant to R.S. 26:71.1 or 271.2, a Class
21	B permit issued pursuant to R.S. 26:71 or 271, or a Class C permit issued pursuant
22	to R.S. 26:71.2 or 271.3.
23	<u>§242. Self-distribution</u>
24	A brewer that produces less than ninety-three thousand gallons of beer
25	annually at a brewing facility located entirely in the state of Louisiana may self-
26	distribute up to forty-six thousand five hundred gallons of the two hundred fifty
27	
	barrels allowed pursuant to R.S. 26:241 to a retailer holding a Class A permit issued

1	271, or a Class C permit issued pursuant to R.S. 26:71.2 or 271.3 provided the
2	following conditions are met:
3	(1) The brewer obtains a permit to self-distribute only those products brewed
4	on site from the commissioner according to established rules and regulations.
5	(2) The brewer does not have an existing distribution agreement with a
6	permitted wholesale dealer.
7	(3) The brewer owns or leases warehouse space that shall be maintained
8	separate from the brewing facility.
9	(4) The brewer owns or leases delivery equipment dedicated for the primary
10	use of distribution and delivery of only those products brewed at the brewing facility.
11	(5) The brewer shall self-distribute products at a standard price to all
12	retailers.
13	(6) The brewer shall provide a monthly report of all sales from the brewing
14	facility and all sales from self-distribution to the office of alcohol and tobacco
15	control. The office of alcohol and tobacco control shall publish these monthly
16	reports on its website to ensure collection of parish and municipal taxes.
17	(7) Any brewer that engages in self-distribution shall be subject to the rules
18	and regulations contained in LAC Title 55, Part VII.
19	§271. Permits required; fees
20	A. Before engaging in the business of dealing in malt beverages or beverages
21	of low alcoholic content, all manufacturers, wholesale and retail dealers, and
22	microbrewers shall obtain from the commissioner, according to established rules and
23	regulations, a permit to conduct each separate manufacturing, wholesale, retail, or
24	microbrewery business and shall pay for each permit a fee not to exceed the amounts
25	provided for in the following schedule and in accordance with regulations
26	promulgated pursuant to the provisions of the Administrative Procedure Act for each
27	year the permit is valid:
28	* * *

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1	<u>(7)</u>	(7) Brewers engaged in self-distribution- one thousand dollars.						
2			*	*	*			
3	Section 2.	The Louisiana	State Lav	w Instit	ute is hereby	authorized an	d directed to	

4 arrange in alphabetical order and renumber the definitions provided in R.S. 26:241.

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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HB 291 Original	2021 Regular Session	Robert Owen

Abstract: Allows brewers to self-distribute their product.

<u>Proposed law</u> defines brewing facility as a retail establishment where beer and other malt beverages are brewed and sold at retail for consumption on or off the licensed premises.

<u>Proposed law</u> defines self-distribution as any brewer who operates a brewing facility entirely located in the state of Louisiana distributing products brewed at that brewing facility to certain permit holders.

Proposed law provides requirements for self-distribution.

<u>Present law</u> provides a fee schedule for those engaged in the business of dealing in malt beverages or beverages of low alcoholic content.

<u>Proposed law</u> retains <u>present law</u> and additionally provides that brewers engaged in selfdistribution shall pay a \$1,000 permit fee.

(Amends R.S. 26:241(15); Adds R.S. 26:241(27) and (28), 242, and 271(A)(7))