SENATE COMMITTEE AMENDMENTS
2022 Regular Session
Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 370 by Representative Magee

AMENDMENT NO. 1
On page 1, line 2, after "reenact" delete the remainder of the line and insert:
"R.S. 26:359(A) and to enact R.S. 26:241(27) through (29), 242, 243, and"

AMENDMENT NO. 2
On page 1, line 8, after "Section 1." delete the remainder of the line and delete line 9 and insert:
"R.S. 26:359(A) is hereby amended and reenacted and R.S. 26:241(27) through (29), 242, 243, and 271(A)(7) are hereby enacted to read as follows:"
"(29) "Secondary location" means a permitted brewing facility that is owned wholly by a brewer who operates two brewing facilities entirely located in the state of Louisiana."

AMENDMENT NO. 11

On page 2, delete lines 23 through 29 and on page 3, delete lines 1 through 15 and insert:

A. Notwithstanding any provision of law to the contrary, a brewer who operates a brewing facility located entirely in the state of Louisiana that produces less than five thousand barrels of beer or other malt beverages annually at the brewing facility and holds both an in-state manufacturer's permit and a brewer's self-distribution permit issued pursuant to R.S. 26:271 may self-distribute to either of the following:

1. A secondary location wholly owned by the brewer holding the self-distribution permit.
2. A retailer holding a Class A permit issued pursuant to R.S. 26:71.1 or 271.2, a Class B permit issued pursuant to R.S. 26:71 or 271, a Class C permit issued pursuant to R.S. 26:71.2 or 271.3, or a Type A, B, or C temporary alcoholic beverage permit issued pursuant to R.S. 26:793.

B. A brewer who operates a brewing facility located entirely in the state of Louisiana may obtain a permit to self-distribute beer or other malt beverages brewed at its brewing facility under the following conditions:

1. The quantity of beer brewed at the brewing facility that is self-distributed to a secondary location shall be included in the quantity limitations for selling products for on- or off-the-premises consumption in R.S. 26:241(15) for the producing brewing facility and shall not exceed an amount greater than fifty percent of the secondary location facility's production of beer for the previous month or fifty percent of the volume of beer sold at retail by the secondary location for the previous month, whichever is less.
2. If a brewer self-distributes to a retailer, the brewing facility at which the beer is produced shall maintain no less than a ten-barrel brewing system and the secondary location shall maintain no less than a five-barrel brewing system.

C. A brewing facility may enter into a distribution agreement with a permitted wholesale dealer or make application for a self-distribution permit. However, no brewing facility shall distribute through the permitted wholesale dealer and self-distribution.
§243. Transfer

Notwithstanding any provision of law to the contrary, a brewer who operates a brewing facility located entirely within the state of Louisiana and who holds an in-state manufacturer's permit may use a wholesaler, for a set fee, to transfer beer or other malt beverages brewed at the brewing facility to another brewing facility in the state owned wholly by the brewer to sell or serve to the public for consumption on- or off-the-licensed premises under the following circumstances:

(1) A transferring brewing facility shall maintain no less than a ten-barrel brewing system. A receiving brewing facility owned wholly by the transferring brewing facility shall maintain no less than a five-barrel brewing system.

(2) The quantity of beer transferred shall be included in the quantity limitation for selling products by a brewer to the public for on- or off-the-licensed premises consumption in R.S. 26:241(15) for the brewing facility receiving the transferred beer.

(3) The quantity of beer transferred shall not exceed an amount greater than fifty percent of the receiving brewing facility's production of beer for the previous month or fifty percent of the volume of beer sold at retail by the receiving facility for the previous month, whichever is less.

(4) The receiving brewing facility shall remit all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products received and sold to the public.

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AMENDMENT NO. 12

On page 3, between liens 27 and 28, insert the following:

"§359. Distribution of alcoholic beverages through wholesalers only
A. Except as provided in Subsection B of this Section and R.S. 26:242 and 271.1, no alcoholic beverages as defined in R.S. 26:241 produced or manufactured inside or outside of this state shall be sold or offered for sale in Louisiana, or shipped or transported into or within the state, except to the holder of a wholesaler's permit. Delivery of alcoholic beverages produced or manufactured inside or outside of this state shall be made at the place of business of the wholesaler shown on the wholesaler's permit, and must be received and warehoused by the wholesaler at that place of business, where such alcoholic beverages shall come to rest before delivery is made to any retailer.

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