

2022 Regular Session

HOUSE BILL NO. 554

BY REPRESENTATIVE MINCEY

ALCOHOLIC BEVERAGES: Provides relative to microbrewery operations

1 AN ACT

2 To amend and reenact R.S. 26:241(17), 271(A)(5), and 271.1, relative to microbrewery
3 operations; to provide for definitions; to provide relative to permitting; to provide
4 relative to wholesale limited sales; to provide relative to taxation; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:241(17), 271(A)(5), and 271.1 are hereby amended and reenacted
8 to read as follows:

9 §241. Definitions

10 * * *

11 (17) "Microbrewery" means a retail establishment wherein beer and other
12 malt beverages are brewed in small quantities, not to exceed twelve thousand five
13 hundred barrels per year, and where such beverages are sold at retail for consumption
14 on or off ~~the~~ any licensed premises owned by the microbrewer or at wholesale in
15 accordance with R.S. 26:271.1.

16 * * *

17 §271. Permits required; fees

18 A. Before engaging in the business of dealing in malt beverages or beverages
19 of low alcoholic content, all manufacturers, wholesale and retail dealers, and
20 microbrewers shall obtain from the commissioner, according to established rules and

1 regulations, a permit to conduct each separate manufacturing, wholesale, retail, or
2 microbrewery business and shall pay for each permit a fee not to exceed the amounts
3 provided for in the following schedule and in accordance with regulations
4 promulgated pursuant to the provisions of the Administrative Procedure Act for each
5 year the permit is valid:

6 * * *

7 (5) Microbrewer, which authorizes the holder of a Retailers, Class A permit
8 to engage in the brewing of beer and other malt beverages at ~~a single location~~ its
9 licensed premises in an amount not to exceed twelve thousand five hundred barrels,
10 and which further authorizes the sale at retail of such brewed beverages from ~~that~~
11 ~~location~~ any licensed premises owned by the microbrewer or at wholesale in
12 accordance with R.S. 26:271.1 – one thousand dollars.

13 * * *

14 §271.1. Microbrewery; retail sales on or off premises and limited sales at wholesale

15 A. Any person who has properly obtained a Class A retail permit and a
16 microbrewer's permit as provided for in R.S. 26:271, shall be authorized to engage
17 in the brewing of beer and other malt beverages in a quantity not to exceed twelve
18 thousand five hundred barrels during the licensed year. The holder of such permit
19 shall also be authorized to sell the manufactured beverages at retail for consumption
20 on or off ~~the~~ any licensed premises, ~~if the holder also has been issued a Retailer,~~
21 ~~Class A permit~~ owned by the microbrewer.

22 B. ~~The provisions of this Section shall not authorize the holder of a~~
23 ~~microbrewer's permit to sell the manufactured beverages at wholesale.~~
24 Notwithstanding any provision of this Chapter to the contrary, a microbrewer may
25 sell up to two hundred fifty barrels of its finished products per month at wholesale
26 to other retail dealers licensed pursuant to this Chapter and to special events licensed
27 pursuant to R.S. 26:793.

28 C. A microbrewer who sells its finished products at wholesale or retail
29 pursuant to this Section shall remit all state and parish or municipal sales and excise

1 taxes due. Beverages produced by a microbrewer shall be taxed in the same manner
2 and at the same rate as beverages produced by other breweries, as provided by law.

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 554 Original

2022 Regular Session

Mincey

Abstract: Provides relative to microbrewery operations and limited sales at wholesale.

Present law (R.S. 26:241) defines "microbrewery" as a retail establishment where beer and other malt beverages are brewed in small quantities, not exceeding 12,500 barrels per year, and where such beverages are sold for consumption on or off the licensed premises.

Proposed law changes present law to apply to beverages sold on or off any licensed premises owned by the microbrewer or at wholesale in accordance with proposed law (R.S. 26:271.1).

Present law (R.S. 26:271) provides for permits and fees. Present law provides that microbrewers with a Retailers, Class A permit, are authorized to engage in the brewing of beer and other malt beverages at a single location in an amount not to exceed 12,500 barrels. Present law further authorizes the sale of such brewed beverages from that location.

Proposed law changes present law to provide for the brewing of beer and other malt beverages at a microbrewer's licensed premises and to authorize the sale of such brewed beverage from any licensed premises owned by the microbrewer or at wholesale in accordance with present law (R.S. 26:271.1).

Present law (R.S. 26:271.1) provides that any person who has obtained a microbrewer's permit as provided in present law (R.S. 26:271) shall be authorized to engage in the brewing of beer and other malt beverages in a quantity not to exceed 12,500 barrels during the licensed years. The holder shall also be authorized to sell the manufactured beverages at retail for consumption on or off the licensed premises if the holder has also been issued a Retailer, Class A permit. Present law further provides that the holder of a microbrewer's permit is not permitted to sell the manufactured beverages at wholesale.

Proposed law changes present law to provide that any person who has properly obtained a Class A retail permit and a microbrewer's permit is authorized to sell the manufactured beverages at retail on or off any licensed premises owned by the microbrewer.

Proposed law changes present law to provide that a microbrewer may sell up to 250 barrels of its finished produces per month at wholesale to other retail dealers licensed pursuant to present law (Chapter 2 - Alcohol Beverage Control and Taxation) and to special events licensed pursuant to R.S. 26:793.

Present law (R.S. 26:793) provides for temporary alcoholic beverage permits.

Present law (R.S. 26:271.1) provides that beverages produced by a microbrewer shall be taxed in the same manner and at the same rate as beverages produced by other breweries.

Proposed law provides that microbrewers who sell finished products at wholesale or retail shall remit all state and parish or municipal sales and excise taxes due.

(Amends R.S. 26:241(17), 271(A)(5), and 271.1)