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**SENATE COMMITTEE AMENDMENTS**

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Reengrossed House Bill No. 370 by Representative Magee

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert:

3 "R.S. 26:359(A) and to enact R.S. 26:241(27) through (29), 242, 243, and"

4 AMENDMENT NO. 2

5 On page 1, line 8, after "Section 1." delete the remainder of the line and delete line 9 and  
6 insert:

7 "R.S. 26:359(A) is hereby amended and reenacted and R.S. 26:241(27) through (29),  
8 242, 243, and 271(A)(7) are hereby enacted to read as follows:"

9 AMENDMENT NO. 3

10 On page 1, delete lines 14 through 22 and on page 2, delete lines 1 through 12

11 AMENDMENT NO. 4

12 On page 2, line 13, change "wherein" to "that brews"

13 AMENDMENT NO. 5

14 On page 2, line 14, delete "are brewed"

15 AMENDMENT NO. 6

16 On page 2, delete lines 15 and 16 and insert:

17 "resale and that is authorized to sell or serve to the public beer or other malt  
18 beverages brewed at the facility for consumption on- or off-the-licensed premises  
19 pursuant to and subject to the limitations in Paragraph (15) of this Section."

20 AMENDMENT NO. 7

21 On page 2, lines 17 and 18, change "of beer or other malt beverages brewed at" to "who  
22 operates"

23 AMENDMENT NO. 8

24 On page 2, line 20, change "or a" to "a"

25 AMENDMENT NO. 9

26 On page 2, line 21, after "271.3" insert ", or a Type A, B, or C temporary alcoholic beverage  
27 permit issued pursuant to R.S. 26:793"

28 AMENDMENT NO. 10

29 On page 2, between lines 21 and 22 insert:

1 "(29) "Secondary location" means a permitted brewing facility that is owned  
 2 wholly by a brewer who operates two brewing facilities entirely located in the state  
 3 of Louisiana."

4 AMENDMENT NO. 11

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

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

12 (1) A secondary location wholly owned by the brewer holding the self-  
 13 distribution permit.

14 (2) A retailer holding a Class A permit issued pursuant to R.S. 26:71.1 or  
 15 271.2, a Class B permit issued pursuant to R.S. 26:71 or 271, a Class C permit issued  
 16 pursuant to R.S. 26:71.2 or 271.3, or a Type A, B, or C temporary alcoholic beverage  
 17 permit issued pursuant to R.S. 26:793.

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

21 (1)(a) The quantity of beer brewed at the brewing facility that is self-  
 22 distributed to a secondary location shall be included in the quantity limitations for  
 23 selling products for on- or off-the-premises consumption in R.S. 26:241(15) for the  
 24 producing brewing facility and shall not exceed an amount greater than fifty percent  
 25 of the secondary location facility's production of beer for the previous month or fifty  
 26 percent of the volume of beer sold at retail by the secondary location for the previous  
 27 month, whichever is less.

28 (b) If a brewer self-distributes to a secondary location, the brewing facility  
 29 at which the beer is produced shall maintain no less than a ten-barrel brewing system  
 30 and the secondary location shall maintain no less than a five-barrel brewing system.

31 (2) If a brewer self-distributes to retailers the following shall apply:

32 (a) No more than three thousand barrels of beer brewed at the brewing  
 33 facility may be self-distributed to all retailers annually.

34 (b) The product shall be offered at a standard price to all retailers.

35 (3) The brewer or brewing facility does not have an existing distribution  
 36 agreement with a permitted wholesale dealer.

37 (4) The brewer or brewing facility owns or leases warehouse space that shall  
 38 be maintained separate from the brewing facility.

39 (5) The brewer or brewing facility owns or leases delivery equipment  
 40 dedicated for the primary use of distribution and delivery of only those products  
 41 brewed at the brewing facility.

42 (6) The brewer shall remit all state sales and excise taxes on all beer or other  
 43 malt beverages produced at its brewing facility that is self-distributed to a secondary  
 44 location. The secondary location shall remit all parish or municipal sales and excise  
 45 taxes on any amount received through self-distribution by the brewer to the proper  
 46 tax collecting authority for all products sold to the public.

47 (7) The brewer or brewing facility shall provide a monthly report of all sales  
 48 from the brewing facility and all sales from self-distribution to the office of alcohol  
 49 and tobacco control.

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

54 D. Any brewing facility that engages in self-distribution shall be subject to  
 55 LAC Title 55, Part VII.

1           §243. Transfer

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

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

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

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

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

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23   AMENDMENT NO. 12

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

25           "§359. Distribution of alcoholic beverages through wholesalers only

26           A. Except as provided in Subsection B of this Section and R.S. 26:242 and  
27           271.1, no alcoholic beverages as defined in R.S. 26:241 produced or manufactured  
28           inside or outside of this state shall be sold or offered for sale in Louisiana, or shipped  
29           or transported into or within the state, except to the holder of a wholesaler's permit.  
30           Delivery of alcoholic beverages produced or manufactured inside or outside of this  
31           state shall be made at the place of business of the wholesaler shown on the  
32           wholesaler's permit, and must be received and warehoused by the wholesaler at that  
33           place of business, where such alcoholic beverages shall come to rest before delivery  
34           is made to any retailer.

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