

2020 Regular Session

SENATE BILL NO. 473

BY SENATOR JOHNS

ALCOHOLIC BEVERAGES. Provides for manufacturers or brewers in the state selling products at its permitted brewing facilities. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 26:241(15) and to enact R.S. 26:271.5, relative to permits for  
3 dealers in beverages of low alcoholic contents; to provide for manufacturers or  
4 brewers; to provide for permits; to transfer beer for resale; and to provide for related  
5 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. 26:271.5 is  
8 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~~

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

11 \* \* \*

12 **§271.5. Breweries; sales on premises**

13 **A. Notwithstanding any other provision of this Title to the contrary, a**  
 14 **manufacturer or brewer that operates one or more permitted brewing facilities**  
 15 **entirely located in the state of Louisiana may sell or serve only those products**  
 16 **brewed at those permitted facilities to the public only at those facilities for**  
 17 **consumption on or off the premises but not for resale. The total amount of such**  
 18 **sales to the public for any given month shall not exceed ten percent of the total**  
 19 **amount of product brewed per permitted facility monthly or two hundred fifty**  
 20 **barrels per permitted facility, whichever is greater.**

21 **B. Notwithstanding any other provision of this Title to the contrary, a**  
 22 **manufacturer or brewer that operates more than one permitted brewing facility**  
 23 **entirely located in the state of Louisiana may transfer bonded beer between the**  
 24 **brewer's permitted facilities, not to exceed sixty percent of the total amount of**  
 25 **such sales to the public for any given month, for consumption on or off the**  
 26 **premises but not for resale. The commissioner may promulgate regulations in**  
 27 **accordance with the Administrative Procedure Act relative to reporting**  
 28 **requirements for product transfers.**

29 **C. Any manufacturer or brewer who sells its products to the public**

1           pursuant to this Section shall remit all state and parish or municipal sales and  
 2           excise taxes to the proper tax collecting authority for all products sold to the  
 3           public.

4           D. A manufacturer or brewer who sells or serves its products to the  
 5           public pursuant to this Section, shall comply with all local zoning laws and  
 6           regulations.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

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## DIGEST

SB 473 Original

2020 Regular Session

Johns

Present law defines a "manufacturer or brewer" as any person who, directly or indirectly, personally or through any agency, person, or establishment, engages in the making, blending, rectifying, brewing, or other processing of alcoholic beverages in La. or outside the state for shipments to licensed wholesale dealers within the state subject to the provisions of present law. Present law authorizes a manufacturer or brewer who operates a brewing facility entirely located in the state of La. to sell or serve only those products brewed at that facility to the public only at that facility for consumption on or off the premises but not for resale. The total amount of such sales to the public for any given month shall not exceed 10% of the total amount of product brewed at that facility monthly or 250 barrels, whichever is greater. Any manufacturer or brewer who sells its products to the public pursuant to present law is required to remit all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products sold to the public. A manufacturer or brewer who sells or serves its products to the public pursuant to present law is required to comply with all local zoning laws and regulations.

Proposed law authorizes a manufacturer or brewer that operates more than one permitted brewing facility entirely located in the state of Louisiana to transfer bonded beer between the brewer's permitted facilities, not to exceed 60% of the total amount of such sales to the public for any given month, for consumption on or off the premises but not for resale. Proposed law authorizes the commissioner to promulgate regulations in accordance with the APA relative to reporting requirements for product transfers.

Effective August 1, 2020.

(Amends R.S. 26:241(15); adds R.S. 26:271.5)