

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 self-distribution

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

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 §242. Self-distribution

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
28 pursuant to R.S. 26:71.1 or 271.2, a Class B permit issued pursuant to R.S. 26:71 or

