

2022 Regular Session

HOUSE BILL NO. 494

BY REPRESENTATIVE ROMERO

ALCOHOLIC BEVERAGES: Provides relative to brewery operations

1 AN ACT

2 To amend and reenact R.S. 26:241(15) and 803(3), relative to brewery operations; to provide
3 for sales at multiple facilities; to provide for sales to retail dealers and special events;
4 to provide relative to taxation; to provide for permitting; to provide for agreements
5 with suppliers; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:241(15) and 803(3) are hereby amended and reenacted to read as
8 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 Notwithstanding any provision of~~
18 this Title to the contrary, a manufacturer or brewer who operates a one or more
19 brewing facility facilities entirely located in the state of Louisiana may sell or serve
20 only those products brewed at ~~that facility~~ those facilities at wholesale to licensed

1 retail dealers and special events, and at retail to the public only at ~~that facility~~ those
2 facilities for consumption on or off the premises, but not for resale. The total amount
3 of such sales to retail dealers, special events, and to the public for any given month
4 shall not exceed ten percent of the total amount of product brewed at ~~that facility~~
5 those facilities monthly or two hundred fifty barrels per facility, whichever is greater.
6 Any manufacturer or brewer who sells its products at wholesale or to the public
7 pursuant to this Paragraph shall remit all state and parish or municipal sales and
8 excise taxes to the proper tax collecting authority for all products sold ~~to the public~~.
9 A manufacturer or brewer who sells or serves its products to the public pursuant to
10 this Paragraph, shall comply with all local zoning laws and regulations. An applicant
11 for an in-state manufacturer permit shall not be required to enter into or maintain a
12 distribution agreement with a wholesale dealer as a condition precedent to issuance
13 or renewal of a permit.

* * *

§803. Prohibited acts by supplier

A supplier shall not do the following:

* * *

(3) Enter into an additional agreement with any other wholesaler for, or to
sell to any other wholesaler, the same brand or brands of beer in the same territory
or any portion thereof, or to sell directly to any retailer in this state except as
provided by R.S. 26:241(15).

* * *

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 494 Engrossed

2022 Regular Session

Romero

Abstract: Authorizes multi-facility manufacturers and brewers to sell at a facility products brewed at their other facilities.

Present law (R.S. 26:241(15)) provides that a manufacturer or brewer who operates a brewing facility entirely located in the state may 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.

Proposed law authorizes a manufacturer or brewer who operates one or more brewing facilities located in the state to sell or serve products brewed at those facilities at wholesale to licensed retail dealers and special events, and at retail to the public at those facilities for consumption on or off the premises, but not for resale.

Present law provides 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.

Proposed law authorizes the total amount of sales to be calculated from sales to retail dealers, special events, and to the public, not to exceed 10% of the total amount of product brewed at each facility monthly or 250 barrels for each facility, whichever is greater.

Present law provides that any manufacturer or brewer who sells its products to the public shall remit all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products sold to the public.

Proposed law additionally requires the manufacturer or brewer to remit all sales and excise taxes generated by wholesale sales.

Proposed law provides that an applicant for an in-state manufacturer permit shall not be required to enter into or maintain a distribution agreement with a wholesale dealer as a condition precedent to issuance or renewal of a permit.

Present law (R.S. 26:803(3)) prohibits suppliers from entering into an additional agreement with certain wholesalers for, or to sell to any other wholesaler, the same brand or brands of beer in the same territory or any portion thereof, or to sell directly to any retailer in this state.

Proposed law creates an exception to present law as provided in proposed law (R.S. 26:241(15)).

(Amends R.S. 26:241(15) and 803(3))