SENATE COMMITTEE AMENDMENTS

2022 Regular Session

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

1 AMENDMENT NO. 1

- 2 On page 1, line 2, after "reenact" delete the reminder 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 <u>AMENDMENT NO. 2</u>
- 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
- On page 1, delete lines 14 through 22 and on page 2, delete lines 1 through 12
- 11 AMENDMENT NO. 4
- On page 2, line 13, change "wherein" to "that brews"
- 13 AMENDMENT NO. 5
- On page 2, line 14, delete "are brewed"
- 15 AMENDMENT NO. 6
- On page 2, delete lines 15 and 16 and insert:
- "resale and that is authorized to sell or serve to the public beer or other malt
- beverages brewed at the facility for consumption on- or off-the-licensed premises
- 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
- On page 2, line 20, change "or a" to "a"
- 25 <u>AMENDMENT NO. 9</u>
- On page 2, line 21, after "271.3" insert ", or a Type A, B, or C temporary alcoholic beverage
- permit issued pursuant to R.S. 26:793"
- 28 AMENDMENT NO. 10
- 29 On page 2, between lines 21 and 22 insert:

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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."
	or 20 wastum
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.

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

- (1) A transferring brewing facility shall maintain no less than a ten-barrel brewing system. A receiving brewing facility owned wholly by the transferring brewing facility shall maintain no less than a five-barrel brewing system.
- (2) The quantity of beer transferred shall be included in the quantity limitation for selling products by a brewer to the public for on- or off-the-licensed premises consumption in R.S. 26:241(15) for the brewing facility receiving the transferred beer.
- (3) The quantity of beer transferred shall not exceed an amount greater than fifty percent of the receiving brewing facility's production of beer for the previous month or fifty percent of the volume of beer sold at retail by the receiving facility for the previous month, whichever is less.
- (4) The receiving brewing facility shall remit all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products received and sold to the public.

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AMENDMENT NO. 12

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

"§359. Distribution of alcoholic beverages through wholesalers only

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

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