

Regular Session, 2015

HOUSE BILL NO. 232

BY REPRESENTATIVE ARNOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Provides relative to the regulation of alcohol manufacturers

1 AN ACT

2 To amend and reenact R.S. 26:2(12) and 241(10) and to repeal R.S. 26:85.1 and 273(C),  
3 relative to the regulation of alcohol manufacturers and brewers; to authorize  
4 manufacturers and brewers to sell certain quantities of alcoholic beverages at their  
5 facilities; to require the remission of sales and excise taxes for the sale of certain  
6 products by manufacturers; to require manufacturers to obtain a state health permit;  
7 to repeal provisions of law relative to the issuance of certain retail permits; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 26:2(12) and 241(10) are hereby amended and reenacted to read as  
11 follows:

12 §2. Definitions

13 For purposes of this Chapter, the following terms have the respective  
14 meanings ascribed to them in this Section, unless a different meaning clearly appears  
15 from the context:

16 \* \* \*

17 (12) "Manufacturer" means any person, other than a wine producer, who  
18 personally or through any agent whatever engages in the making, blending,  
19 rectifying, or processing of any alcoholic beverage in Louisiana; engages in the

1 making, blending, rectifying, or processing any alcoholic beverage outside Louisiana  
 2 for sale in Louisiana; or engages in the business of supplying alcoholic beverages to  
 3 licensed wholesale dealers in Louisiana. A manufacturer who engages in the  
 4 making, blending, rectifying, or processing of any alcoholic beverage in a facility  
 5 entirely located in the state of Louisiana may sell or serve only those products that  
 6 are made, blended, rectified, or processed at that facility to the public only at that  
 7 facility for consumption on or off the premises but not for resale. The total amount  
 8 of such sales to the public for any given month shall not exceed one case per person  
 9 for each thirty-day period. Any manufacturer who sells its products to the public  
 10 pursuant to this Paragraph shall remit all state and parish or municipal sales and  
 11 excise taxes to the proper tax collecting authority for all products sold to the public.  
 12 A manufacturer who sells or serves its products to the public pursuant to this  
 13 Paragraph, shall comply with all local zoning laws and regulations.

\* \* \*

15 §241. Definitions

16 The following terms have the respective meanings ascribed to them except  
 17 in those instances where the context indicates a different meaning:

18 \* \* \*

19 (10) "Manufacturer or brewer" means any person who, directly or indirectly,  
 20 personally or through any agency, person, or establishment, engages in the making,  
 21 blending, rectifying, brewing, or other processing of alcoholic beverages in  
 22 Louisiana or outside the state for shipments to licensed wholesale dealers within the  
 23 state subject to the provisions of R.S. 26:364. A manufacturer or brewer who  
 24 operates a brewing facility entirely located in the state of Louisiana may sell or serve  
 25 only those products brewed at that facility to the public only at that facility for  
 26 consumption on or off the premises but not for resale. The total amount of such sales  
 27 to the public for any given month shall not exceed ten percent of the total amount of  
 28 product brewed at that facility monthly or two hundred fifty barrels, whichever is  
 29 greater. Any manufacturer or brewer who sells its products to the public pursuant

1 to this Paragraph shall remit all state and parish or municipal sales and excise taxes  
2 to the proper tax collecting authority for all products sold to the public. A  
3 manufacturer or brewer who sells or serves its products to the public pursuant to this  
4 Paragraph, shall comply with all local zoning laws and regulations.

5 \* \* \*

6 Section 2. R.S. 26:85.1 and 273(C) are hereby repealed in their entirety.

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 232

Regular Session, 2015

Arnold

**Abstract:** Authorizes manufacturers for low and high alcoholic content beverages and brewers for low alcoholic content beverages to sell certain quantities of these beverages at the facility where they are manufactured or brewed.

Present law provides for the definition of "manufacturer" of high alcoholic content beverages to include any person other than a producer of wine who engages in the making, blending, rectifying or processing of any alcoholic beverage in or outside La. for sale only in La. or supplying alcoholic beverages to licensed wholesale dealers in La.

Present law provides for the definition of "manufacturer or brewer" for low alcoholic content beverages to include a person who manufactures alcoholic beverages in or outside of La. for shipments to licensed wholesale dealers in the state.

Proposed law retains present law, and adds to the definitions authorization for a manufacturer who manufactures any alcoholic beverage in a facility that is located entirely in the state to sell or serve only at that facility to the public for consumption on or off the premises but not for resale.

Proposed law requires that the sale to the public not exceed one case per person for each 30-day period for high alcoholic content and not exceed 10% of the total amount of product brewed monthly or 250 barrels or whichever is greater for low alcoholic content beverages.

Proposed law requires the manufacturer or brewer to remit all state and parish or municipal sales and excise taxes to the proper authority for all products sold to the public and further requires compliance with local zoning laws and regulations.

Present law authorizes the commissioner to issue a Class A-General retail permit or a Class B Retail liquor permit or both to any person who holds a valid manufacturer's permit for a portion of the manufacturer's business premises where the alcoholic beverage is manufactured, and further requires the manufacturer to comply with certain qualification provisions.

Proposed law repeals present law.

Present law authorizes the commissioner to issue a Class A retail permit to any person who brews beer and other malt beverages and the brewing facility is located entirely in the state

and the product may be sold for consumption on or off the premises not exceed 10% of total production for that month and further provides for exemptions relative to the permit.

Proposed law repeals present law.

(Amends RS. 26:2(12) and 241(10); Repeals R.S. 26:85.1 and 273(C))