

CONFERENCE COMMITTEE REPORT

HB 233

2015 Regular Session

Adams

June 8, 2015

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 233 by Representative Adams, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments proposed by the Senate Committee on Judiciary B and adopted by the Senate on May 27, 2015, be rejected.
2. That the Senate Floor Amendments proposed by Senator Morrell and adopted by the Senate on May 28, 2015, be rejected.

Respectfully submitted,

Representative Bryan Adams

Senator Jean-Paul J. Morrell

Representative Jeffery "Jeff" J. Arnold

Senator Eric LaFleur

Representative Chris Leopold

Senator Norby Chabert

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)]

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

ALCOHOLIC BEVERAGES: Authorizes the permitting and operation of microdistilleries in Louisiana

Report rejects Senate amendments which would have:

1. Authorized the commissioner to waive certain requirements relative to the use and square footage for restaurants located in historic buildings on an official registry or located within an officially designated historic district.
2. Authorized the commissioner, prior to Aug. 1, 2016, to waive all state application fees or provide an equal credit to an applicant's account when a permit is not issued within three business days of receipt of a fully and properly completed application.
3. Authorized the use of undercover operatives under the age of eighteen or twenty-one to ensure compliance with laws prohibiting the sale or service of alcoholic beverage, tobacco, alternative nicotine, or vapor products to underage persons.
4. Made technical changes.

Digest of the bill as proposed by the Conference Committee

Present law provides for definitions relative to alcoholic beverages.

Proposed law retains present law and adds definitions for the following:

- (1) "Microdistiller" means any person who operates a microdistillery.
- (2) "Microdistillery" means a retail outlet where a microdistiller engages in the distilling, making, blending, rectifying, or processing of any alcoholic beverage in La. in quantities of not more than 12,000 gallons per year for retail sale and consumption on or off the licensed premises.

Proposed law establishes a microdistiller permit of \$1,000, authorizes the holder of a Retailers Class A permit to obtain such permit, and further provides that alcoholic beverages sold by a microdistiller are taxed at the same rate and in the same manner as all other alcoholic beverages.

Proposed law prohibits the holder of a microdistiller permit from selling the manufactured beverages at wholesale or to any wholesale dealer or from selling to any other licensed retail dealer.

Proposed law authorizes a microdistiller to reuse alcoholic beverage containers in connection with distilling and bottling operations.

Proposed law requires a microdistiller to obtain approval from the state fire marshal prior to distilling operations.

Present law provides relative to the content requirements of an application for permit.

Proposed law retains present law except that it removes requirement that the original and renewal application be accompanied by a signed sales tax clearance from the collection agency in the parish which is required to be processed within seven days and removes relative provisions of present law regarding the authority for the commissioner to withhold the permit.

Present law provides relative to the submission requirements for applications.

Proposed law retains present law and further requires the commissioner to verify that the applicant does not owe any delinquent sale taxes, penalties, or interest to the political subdivision in which the business is located.

Present law provides relative to qualifications of applicants for permits.

Proposed law retains present law and extends the prohibition of being convicted or having a judgment of court rendered against a client involving the service of alcoholic beverages.

Present law provides exceptions relative to the distribution through wholesalers for alcoholic beverages produced or manufactured inside or outside the state.

Proposed law retains present law and extends the exception to microdistilleries.

(Amends R.S. 26:2(13-24), 71(A)(3)(d), 71.1(4)(a), 78(A), 79, 80(A)(8), 86, 142, 271.2(4)(a), 278(A), 279, 280(A)(8), and 283; Adds R.S. 26:2(25) and (26), 71(A)(3)(e), and 71.3)