

ACT No. 62

2015 Regular Session

HOUSE BILL NO. 232

BY REPRESENTATIVE ARNOLD

1 AN ACT

2 To amend and reenact R.S. 26:2(12) and 241(10), (11), and (12) and to repeal R.S. 26:85.1
3 and 273(C), relative to the regulation of alcohol manufacturers and brewers; to
4 authorize manufacturers and brewers to sell certain quantities of alcoholic beverages
5 at their facilities; to require the remission of sales and excise taxes for the sale of
6 certain products by manufacturers; to require manufacturers to obtain a state health
7 permit; to repeal provisions of law relative to the issuance of certain retail permits;
8 to provide for definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 26:2(12) and 241(10), (11), and (12) are hereby amended and
11 reenacted to read as 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
20 making, blending, rectifying, or processing any alcoholic beverage outside Louisiana
21 for sale in Louisiana; or engages in the business of supplying alcoholic beverages to
22 licensed wholesale dealers in Louisiana. A manufacturer who engages in the
23 making, blending, rectifying, or processing of any alcoholic beverage in a facility

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

* * *

§241. Definitions

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

* * *

(10) "Manufacturer or brewer" means any person who, directly or indirectly, personally or through any agency, person, or establishment, engages in the making, blending, rectifying, brewing, or other processing of alcoholic beverages in Louisiana or outside the state for shipments to licensed wholesale dealers within the state subject to the provisions of R.S. 26:364. A manufacturer or brewer who operates a brewing facility entirely located in the state of Louisiana 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. The total amount of such sales to the public for any given month shall not exceed ten percent of the total amount of product brewed at that facility monthly or two hundred fifty barrels, whichever is greater. Any manufacturer or brewer who sells its products to the public pursuant to this Paragraph 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. A manufacturer or brewer who sells or serves its products to the public pursuant to this Paragraph, shall comply with all local zoning laws and regulations.

1 (11) "Microbrewer" means any person who, directly or indirectly, personally
 2 or through any agency, engages in the making, blending, rectifying, or other
 3 processing of beer or other malt beverages for retail sale in an amount not to exceed
 4 twelve thousand five hundred barrels per year.

5 (12) "Microbrewery" means ~~an~~ a retail establishment wherein beer and other
 6 malt beverages are brewed in small quantities, not to exceed twelve thousand five
 7 hundred barrels per year, and where such beverages are sold at retail for consumption
 8 on or off the licensed premises ~~at retail~~.

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____