

Regular Session, 2012

SENATE BILL NO. 64

BY SENATOR MORRISH

ALCOHOLIC BEVERAGES. Provides for issuance of certain retail permits. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 26:85.1, relative to alcohol permits; to provide for Class A-
3 General retail permits; to provide for Class B Retail Liquor Permit; to allow
4 manufacturers to obtain a Class A-General retail permit or a Class B Retail Liquor
5 Permit, or both, under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:85.1 is hereby amended and reenacted to read as follows:

8 §85.1. Combination of manufacturing and retail business permitted; certain
9 circumstances

10 Notwithstanding any other provision of law to the contrary, ~~any person who~~
11 ~~holds a manufacturer's permit issued by the state of Louisiana as of April 1, 2003,~~
12 ~~and has been a licensed liquor distiller continuously since January 1, 1997, and is~~
13 ~~located in a facility within an historic preservation district or within one mile of an~~
14 ~~historic preservation district and whose facility provides guided tours to visitors of~~
15 ~~that facility, is eligible to apply for and receive a Class B Retail Liquor Permit, if~~
16 ~~otherwise eligible, to sell no more than two thousand five hundred cases of the~~
17 ~~alcoholic beverage manufactured on the premises annually.~~ **the commissioner may**

1 issue a Class A-General retail permit or a Class B Retail Liquor Permit, or
2 both, to any person who holds a valid manufacturer's permit issued by the state
3 of Louisiana for a portion of a manufacturer's business premises where the
4 manufacturer engages in the making, blending, rectifying, or processing of any
5 alcoholic beverage in Louisiana so long as the manufacturer complies with R.S.
6 26:71.1(1)(f) and the following:

7 (1) No person under the age of eighteen years is allowed in the portion
8 of the premises permitted as a Class A-General retail establishment.

9 (2) Only alcoholic beverages manufactured at the licensed premises shall
10 be sold, served, or consumed.

11 (3) The manufacturer shall not sell any alcoholic beverages for
12 transportation off of the premises to any other licensed alcoholic beverage retail
13 dealer.

14 (4) The manufacturer shall not sell more than one case, as defined in
15 R.S. 26:351, to the same person each thirty-day period.

16 (5)(a) The manufacturer shall file all excise tax reports and pay all
17 excise taxes imposed pursuant to this Title in connection with all alcoholic
18 beverages served or sold at its Class A-General retail establishment.

19 (b) The manufacturer shall file all excise tax reports and pay all excise
20 taxes imposed pursuant to this Title in connection with all alcoholic beverages
21 sold at its Class B retail establishment.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Morrish (SB 64)

Present law creates an exception for certain persons who were issued a manufacturer's permit as of April 1, 2003, and have been a licensed liquor distiller continuously since January 1, 1997, to become eligible to apply for and receive a Class B Retail Liquor Permit to sell no more than 2,500 cases of the alcoholic beverage manufactured on the premises annually.

Proposed law repeals present law exception and grants the commissioner of the office of alcohol, tobacco, and control the authority 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 issued by the state of Louisiana for a portion of a manufacturer's business premises where

the manufacturer engages in the making, blending, rectifying, or processing of any alcoholic beverage in Louisiana provided the manufacturer complies with certain provisions of law and the following:

1. No person under the age of 18 years is allowed in the portion of the premises permitted as a Class-A General retail establishment.
2. Only alcoholic beverages manufactured at the licensed premises shall be sold, served, or consumed.
3. The manufacturer shall not sell any alcoholic beverages for transportation off of the premises to any other licensed alcoholic beverage retail dealer.
4. The manufacturer shall not sell more than one case, as defined in law, to the same person each 30-day period.
5. The manufacturer shall file all excise tax reports and pay all excise taxes in connection with all alcoholic beverages served or sold at its Class A-General or Class B retail establishment.

Effective August 1, 2012.

(Amends R.S. 26:85.1)