

Regular Session, 2010

HOUSE BILL NO. 503

BY REPRESENTATIVES DANAHAAY AND CONNICK

ALCOHOLIC BEVERAGES: Provides relative to home-brewed beer

1 AN ACT

2 To enact Part II-B of Chapter 2 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 26:331 through 337, relative to homemade beer; to provide for "Louisiana
4 Homemade Beer Law", to provide for legislative intent; to provide for maximum
5 amount of production; to provide for purposes and requirements; to provide for
6 prohibitions and penalties; to provide for rules and regulations; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part II-B of Chapter 2 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 26:331 through 337, is hereby enacted to read as follows:

11 PART II-B. HOMEMADE BEER

12 §331. Short title

13 This Part shall be cited as the "Louisiana Homemade Beer Law".

14 §332. Legislative declaration of intent

15 The legislature of the state of Louisiana recognizes, by the passage of this
16 Part, that every person shall have the right to make homemade beer for personal,
17 family, domestic, or household use only, free of all restraint by other provisions of
18 the Alcoholic Beverage Control Law. No other provision of the Alcoholic Beverage
19 Control Law shall deprive any person of this right to make homemade beer for
20 personal, family, domestic, or household use only.

1 §333. Maximum amount of production2 A. The maximum amount of homemade beer that a person twenty-one years
3 of age or older may produce per calendar year is as follows:4 (1) One hundred gallons, if there is only one person twenty-one years of age
5 or older residing in the household.6 (2) Two hundred gallons, if there are two or more persons twenty-one years
7 of age or older residing in the household.8 B. The homemade beer may only be served to individuals other than the
9 producer such as family, friends, judges at events, and participants at events, and the
10 homemade beer shall be served free of charge.11 C. No license, permit, or tax shall be required or imposed for the production
12 of homemade beer in these amounts.13 §334. Purposes; requirements14 A. A producer of homemade beer, as authorized by the provisions of this
15 Part, may remove up to five gallons of homemade beer from the premises of the
16 household only for the purpose of transporting the homemade beer to participate in
17 a bona fide local exhibition, contest, competition, fair, or festival where homemade
18 beer is being tasted and judged by the general public at no cost to the person tasting
19 the homemade beer.20 B. A producer of homemade beer, as authorized by the provisions of this
21 Part, may remove up to twenty gallons of homemade beer from the premises of the
22 household only for the purpose of transporting the homemade beer to participate in
23 a bona fide national conference or festival where homemade beer is being tasted and
24 judged by the general public at no cost to the person tasting the homemade beer.25 C. To be considered a bona fide exhibition, contest, competition, fair,
26 festival, or conference, the event is required to have been issued a special events
27 permit by the commissioner of alcohol and tobacco control pursuant to the provisions
28 of R.S. 26:793(A).

1 §335. Other authorization

2 A producer of homemade beer may remove up to two gallons of homemade
3 beer from the premises of the household and transport it to an event not holding a
4 special events permit issued by the commissioner of alcohol and tobacco control.

5 §336. Prohibitions

6 A.(1) It is prohibited for an individual to sell or offer for sale homemade beer
7 under any circumstances.

8 (2) Reimbursement by a special event to the producer for the costs of
9 ingredients used in making the homemade beer shall be considered a sale of
10 homemade beer and is prohibited by the provisions of this Section.

11 B. It is prohibited for a licensed establishment to sell or serve homemade
12 beer under any circumstances.

13 C. General penalties provided for violations of the Louisiana Alcoholic
14 Beverage Control Law shall apply to violations of the provisions of this Section and
15 Part.

16 §337. Rules and regulations of the commissioner

17 A. The commissioner of alcohol and tobacco control shall promulgate rules
18 and regulations for the enforcement and regulation of the provisions of this Part.

19 B. A violation of any such rule or regulation pertaining to homemade beer
20 constitutes a violation of the Alcoholic Beverage Control Law.

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)]

Danahay

HB No. 503

Abstract: Establishes the "Louisiana Homemade Beer Law", providing restrictions regarding the amount of homemade beer that may be made, the transportation of homemade beer for participation in exhibitions, contests, competitions, fairs, or festivals and penalties for violating the provisions of this law.

Proposed law expresses legislative intent that every person shall have the right to make homemade beer for personal, family, domestic, or household use only, free of all restraint by other provisions of the Alcoholic Beverage Control Law.

Proposed law provides that the maximum amount of homemade beer that a person 21 years of age or older may produce per calendar year is as follows:

- (1) 100 gallons, if there is only one person 21 years of age or older residing in the household.
- (2) 200 hundred gallons, if there are two or more persons 21 years of age or older residing in the household.

Proposed law provides that homemade beer may only be served to individuals other than the producer such as family, friends, judges at events, and participants at the events. Provides that the homemade beer shall be served free of charge.

Proposed law provides that no license, permit, or tax shall be required or imposed for production of homemade beer in these amounts.

Proposed law authorizes a producer of homemade beer to remove up to five gallons of the homemade beer from the premises of the household only for the purpose of transporting the beer to participate in a bona fide local exhibition, contest, competition, fair, or festival where homemade beer is being tasted and judged by the general public at no cost to the person tasting the beer.

Proposed law authorizes a producer making homemade beer may remove up to 20 gallons of homemade beer from the premises of the household only for the purpose of transporting the homemade beer to participate in a bona fide national conference or festival where homemade beer is being tasted and judged by the general public at no cost to the person for tasting the homemade beer.

Proposed law requires that to be considered a bona fide exhibition, contest, competition, fair, festival, or conference, the event is required to have been issued a special events permit by the commissioner of alcohol and tobacco control.

Proposed law authorizes a producer of homemade beer to remove up to two gallons of homemade beer from the premises of the household and transport it to an event not holding a special events permit issued by the commissioner of alcohol and tobacco control.

Proposed law prohibits an individual from selling or offering for sale homemade beer under any circumstances. Provides that reimbursement by an organizer of a special event to the producer for the costs of ingredients used in making the homemade beer is considered a prohibited sale. Prohibits a licensed establishment from selling or serving homemade beer under any circumstances, and provides for general penalties.

Proposed law requires the commissioner of alcohol and tobacco law to promulgate rules and regulations for the enforcement and regulation of these provisions and provides for general penalties for a violation of a rule or regulation.

(Adds R.S. 26:331-337)