

State of Louisiana
Office of Alcohol and Tobacco Control

Jeff Landry
GOVERNOR



Jarrod Coniglio
SECRETARY

CHAD M. BROWN
ATC COMMISSIONER

**BEER OR MALT BEVERAGE
TRANSFER TO SECONDARY LOCATION**

Who must complete an application?

A brewer who operates a brewing facility located entirely within the state of Louisiana and who holds an in-state manufacturer's permit may use a wholesaler, for a set fee, to transfer beer or other malt beverages brewed at the brewing facility to another brewing facility in the state owned wholly by the brewer to sell or serve to the public for consumption on or off the licensed premises subject to conditions set forth by La. R.S. 26:243

- Upon approval of the request to transfer products, primary facility will be granted a designation to transfer ("TRANS") on its primary permit. The secondary location receiving products shall receive a permit designation of secondary ("2nd") on its secondary location permit. Note: Only primary location is permitted to transfer products. Secondary locations are not permitted to transfer products but shall only be permitted to receive products from primary location.

Secondary permits shall be required to be renewed annually on or before to December 31st

Requirements

- (1) Applicant must hold an in-state beer manufacturer (M-B) permit with the ATC at the primary brewing facility.
- (2) The primary brewing facility must maintain at minimum a ten (10) barrel brewing system.
- (3) The secondary location must be wholly owned by the brewer.
- (4) The secondary location must hold an in-state beer manufacturer (M-B) permit.
- (5) The secondary location receiving beer from the primary facility must maintain at minimum a five (5) barrel brewing system.
- (6) The quantity of beer transferred by the primary location shall be included in the quantity limitation for selling to the public. La. R.S. 26:241(18) provides in part that the total amount of sales to the public for consumption on or off the licensed premises shall not exceed ten percent (10%) of the total amount of products brewed at that facility monthly or two hundred fifty (250) barrels, whichever is greater.
- (7) Primary facilities shall be required to maintain records of all products transferred and such records shall be made available to the ATC upon request.
- (8) Secondary locations shall be required to maintain records of all products received and such products received shall not exceed an amount greater than fifty percent (50%) of secondary facility production of beer for the previous month.

Where to submit application?

Applications may be submitted directly to ATC at any of ATC's locations listed on our website at www.atc.louisiana.gov or submitted online on ATC's online portal.

ONLINE APPLICATIONS may be submitted by visiting <https://laatcab.atc.la.gov/laatcpod/pub/Login.aspx>. Note that prior to submitting application, applicant must register an account with the ATC. If applicant has registered an account and currently holds a beer manufacturer permit with the ATC, you may log into your account and start a new application for a self-distribution permit.

Questions may be submitted directly to ATC-Attorneys@atc.la.gov.

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General Definitions – La.R.S. 26:241

(5) "**Brewing facility**" means an establishment that brews beer and other malt beverages for the primary purpose of selling the brewed product for resale and that is authorized to sell or serve to the public beer or other malt beverages brewed at the facility for consumption on or off the licensed premises pursuant to and subject to the limitations in Paragraph (18) of this Section.

(18) "**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.

(25) "**Secondary location**" means a permitted brewing facility that is owned wholly by a brewer who operates two brewing facilities entirely located in the state of Louisiana.

Transfer – LA. R.S. 26:242

Notwithstanding any provision of law to the contrary, a brewer who operates a brewing facility located entirely within the state of Louisiana and who holds an in-state manufacturer's permit may use a wholesaler, for a set fee, to transfer beer or other malt beverages brewed at the brewing facility to another brewing facility in the state owned wholly by the brewer to sell or serve to the public for consumption on or off the licensed premises under the following circumstances:

- (1) A transferring brewing facility shall maintain no less than a ten-barrel brewing system. A receiving brewing facility owned wholly by the transferring brewing facility shall maintain no less than a five-barrel brewing system.
- (2) The quantity of beer transferred shall be included in the quantity limitation for selling products by a brewer to the public for on or off the licensed premises consumption in R.S. 26:241(18) for the brewing facility receiving the transferred beer.
- (3) The quantity of beer transferred shall not exceed an amount greater than fifty percent of the receiving brewing facility's production of beer for the previous month.
- (4) The receiving brewing facility shall remit all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products received and sold to the public.

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PART I. OWNER'S INFORMATION			
1) Type of Ownership (check one): <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Corporation (LLC) <input type="checkbox"/> Partnership <input type="checkbox"/> Other: _____			
2) Owner/Entity Legal Name: (Name of individual, partnership, LLC, or corporation):		3) State of Domicile:	
4) Trade Name (D/B/A):			
5) Business Physical Address:			
Business Street:			
Business City:	Business State:	Business Zip:	
6) Mailing Address: Same as Physical <input type="checkbox"/>			
Mailing Street:			
Mailing City:	Mailing State:	Mailing Zip:	
7) Business Email:		8) Business Contact Number:	
9) Federal Employee Identification Number (FEIN):		10) Louisiana State Identification Number:	
11) Does Business consent to receive ATC communications, administrative notices, and/or administrative decisions in electronic format via email? If YES, provide email: _____		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Initials: _____			
PART II. OWNERSHIP/CORPORATE STRUCTURE			
If the applicant is not an individual (sole proprietorship), list the name, title, and percentage of ownership of each person. All *partners, stockholders, officers, directors, members, and/or any person owning more than 5% must submit suitability document Schedule A/F and fingerprints with authorization form. If multiple entities, attach organizational chart.			
Name of Individual & Affiliation:	SSN	Type of interest**	% of ownership:
BUSINESS INFORMATION			
12) Is applicant's business to be conducted wholly or partly by one or more managers or other representatives? If YES, each person must submit a completed Schedule A/F form. If Yes, Complete below.		Yes <input type="checkbox"/>	No <input type="checkbox"/>
MANAGER'S FULL NAME		Title	

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PART III. MINIMUM REQUIREMENTS		
13) Does Applicant operate a brewing facility (Primary – Transferor) located entirely in the State of Louisiana? Provide ATC permit number: Permit Number: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>
14) Does Applicant intend to use a wholesaler, for a set fee, to transfer beer or other malt beverages brewed at the brewing facility to the secondary location? If YES, provide name of wholesaler: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>
15) Does Applicant wholly own a secondary brewing facility (Secondary – Receiving) that holds an in-state manufacturer permit in the state of Louisiana that will receive products from the primary brewing facility? Provide ATC permit number of secondary location. _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>
16) Provide the number of barrels in brewing system maintained at the primary brewing facility location. (Transferor)		
17) Provide the number of barrels in brewing system maintained at the secondary brewing facility location. (Receiving)		
18) Does Applicant understand that the quantity of beer transferred shall not exceed more than fifty percent (50%) of the secondary location facility's production of beer for the previous month?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
19) Does Applicant understand that the primary brewer must remit all state sales and excise taxes on all beer or other malt beverages produced at its brewing facility that is self-distributed to a secondary location?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
20) Does Applicant have an existing distribution agreement with a Louisiana permitted wholesale dealer?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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NOTE: Primary Facility permit shall indicates a secondary designation as Transferor (“TRANS” and secondary location permit shall indicate a secondary designation as “2nd”. Designation shall run concurrent with its primary permit.

		IF APPLICANT IS:	MUST SIGN APPLICATION:
WARNING & SIGNATURE		Individual /Sole Proprietor	Individual Owner
		Partnership	Any Partner
		Limited Liability Company (LLC)	Managing member, member, officer, director
		Corporation	Officer, Director
APPLICATION AFFIDAVIT			
<p>BY SIGNING BELOW, YOU ARE SWEARING, UNDER OATH, that you have read each of the questions in this application and that all answers are true and correct to the best of your knowledge, that you meet all the qualifications and conditions as set forth under La. R.S. 26:80 and 26:280; that you have complied with the notice requirements contained in La. R.S. 26:77 and 26:277; and that you have no interest in any business that holds a retail or wholesaler’s license issued by the Louisiana Office of Alcohol and Tobacco Control. I also swear (or affirm) that this applicant (except as provided in R.S. 26:85) holds no interest either directly or indirectly in a liquor permit other than the type applied for in this application. Applicant understands that his/her is responsible to understand and maintain the requirements related to transfer pursuant to La. R.S. 26:243.</p>			
<p>_____</p> <p>Print Name (By Authorized Person Only)</p>		<p>_____</p> <p>Signature of Authorized Person</p>	
<p>_____</p> <p>Title</p>		<p>_____</p> <p>Date</p>	
Notary			
For NOTARY Use Only			
<p>Sworn to and subscribed to me this _____ day of _____, 20_____,</p> <p>In the parish/county of _____, State of _____,</p> <p>_____</p>			
<p>_____</p> <p>Notary Public’s Signature</p>		<p>_____</p> <p>Print Name of Notary Public</p>	
Office Use Only	<p>_____</p> <p>Permit Number</p>	<p>_____</p> <p>Processed by & Date</p>	<p>_____</p> <p>Issued by and Date</p>