



Louisiana Office of Alcohol and Tobacco Control
Ernest P. Legier, Jr., 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 is 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 to directly to ATC at any of ATC's locations listed below or submitted online on ATC's online portal.

Baton Rouge Office

7979 Independence Blvd. Suite 101
Baton Rouge, LA 70806
(225) 925-4041

Lafayette Office

200 Dulles Dr.
Lafayette, LA 70506
(337) 948-0346

New Orleans Office

1450 Poydras St., Suite 850
New Orleans, LA 70112
(504) 568-7028

Monroe Office

24 Accent Dr. Suite B600
Monroe, LA 71203
(318) 362-428

ONLINE APPLICATIONS may be submitted by visiting <https://laatcabc.atc.la.gov/laatcprod/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 an amendment to add a secondary 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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www.atc.la.gov

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BREWERY REQUEST TO TRANSFER Secondary permit to Brewery (Transferor/Receiver)

NOTICE TO APPLICANT: Misstatement or Suppression of material facts in this application is GROUNDS FOR DENIAL of this application. Additionally, filing false public records is a violation of Louisiana Revised Statute 14:133 and may result in imprisonment for not more than five (5) years with or without hard labor and/or fines of not more than \$5000.00.

PART I. OWNER'S INFORMATION

1. Type of Ownership: <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____			
2. Owner/Entity Legal Name: (Name of individual or LLC or Corp.)		3. State of Domicile:	
4. Trade Name (DBA):			
5. Business Physical Address: (Street Number, City, State, Zip Code)			
6. Mailing Address: (If different than business address)			
7. Business Email Address:		8. Business Contact Number	
9. Federal Employee Identification No. (FEIN)		10. Louisiana State Identification No.	
11. Does Business consent to receive ATC communications, administrative notices, and/or administrative decisions in electronic format via email? If "YES" – list email address: _____			<input type="checkbox"/> YES <input type="checkbox"/> NO 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 documents including Schedule A (SA-01), Schedule F (SA-02), and fingerprints with authorization form. **If multiple entities, attach organizational chart.**

EACH PERSON listed below shall be required to submit a completed Schedule A, F and Fingerprint form

Name of Individual	SSN	Type of interest **	% of Interest

Management 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 and Schedule F, if applicable. If Yes, Complete Below.	<input type="checkbox"/> YES <input type="checkbox"/> NO
Manager's Full Name	Title

PART III. MINIMUM REQUIREMENTS

13. Does Applicant operate a brewing facility (Primary – Transferor) located entirely in the State of Louisiana? Provide ATC permit number: _____.	<input type="checkbox"/> YES <input type="checkbox"/> NO
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 _____.	<input type="checkbox"/> YES <input type="checkbox"/> NO
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. _____.	<input type="checkbox"/> YES <input type="checkbox"/> NO
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?	<input type="checkbox"/> YES <input type="checkbox"/> NO
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?	<input type="checkbox"/> YES <input type="checkbox"/> NO
20. Does Applicant understand that the secondary location shall be required to remit all parish and municipal sales and excise taxes on any amount received through self-distribution by the brewer to the proper tax collecting authority for all products sold to the public?	<input type="checkbox"/> YES <input type="checkbox"/> NO

NOTE: Primary Facility permit shall indicate 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.

WARNING	If Applicant is:	Must Sign Application:
	Individual /Sole Proprietor	Individual Owner
	Partnership	Any Partner
	Limited Liability Company (LLC)	Managing member, member, officer, director
	Corporation	Officer, Director

Application Affidavit

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.

Print Name (By Authorized Person Only)

Signature of Authorized Person

Title

Date

Notary Use Only			
Sworn to and subscribed to me on this _____ day of _____, 20____,			
in the parish/county of _____, State of _____			
_____ Name of Notary Public		_____ Signature of Notary Public	
Office Use Only	Process by & Date	Permitted by & date	Approval By & Date: