

HOUSE BILL NO. 541

INTRODUCED BY A. HERTZ

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF SMALL BREWERY; INCREASING THE NUMBER OF BARRELS A BREWERY MAY PRODUCE TO QUALIFY AS A SMALL BREWERY; REQUIRING THAT THE PRODUCTION OF AFFILIATED COMPANIES AND BEER PURCHASED FROM OTHER BREWERIES MUST BE USED IN DETERMINING THE AMOUNT OF PRODUCTION; AND AMENDING SECTION 16-3-213, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 16-3-213, MCA, is amended to read:

**"16-3-213. Brewers or beer importers not to retail beer -- small brewery exceptions.** (1) Except as provided for small breweries in subsection (2), it is unlawful for any brewer or breweries or beer importer to have or own any permit to sell or retail beer at any place or premises. It is the intention of this section to prohibit brewers and beer importers from engaging in the retail sale of beer. This section does not prohibit breweries from selling and delivering beer manufactured by them, in original packages, at either wholesale or retail.

(2) (a) For the purposes of this section, a "small brewery" is a brewery that has an annual nationwide production of not less than 100 barrels or more than ~~40,000~~ 60,000 barrels, including:

(i) the production of all affiliated companies, as described in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a); and

(ii) beer purchased from any other beer producer to be sold by the brewery.

(b) A small brewery may, at one location for each brewery license, provide samples of beer that were brewed and fermented on the premises in a sample room located on the licensed premises. The samples may be provided with or without charge between the hours of 10 a.m. and 8 p.m. No more than 48 ounces of malt beverage may be sold or given to each individual customer during a business day."

- END -

