

1 HOUSE BILL NO. 336

2 INTRODUCED BY D. MOORE

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

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

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

13 **"16-3-213. Brewers or beer importers not to retail beer -- small brewery exceptions.** (1) Except as
14 provided for small breweries in subsection (2), it is unlawful for any brewer or breweries or beer importer to have
15 or own any permit to sell or retail beer at any place or premises. It is the intention of this section to prohibit
16 brewers and beer importers from engaging in the retail sale of beer. This section does not prohibit breweries from
17 selling and delivering beer manufactured by them, in original packages, at either wholesale or retail.

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

20 (i) the production of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code,
21 26 U.S.C. 1504(a); and

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

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

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