65th Legislature

1	HOUSE BILL NO. 462
2	INTRODUCED BY F. GARNER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ACADEMIC BREWER LICENSE UNDER THE
5	SMALL BREWER EXCEPTION FOR A BREWER LICENSE; PROVIDING RULEMAKING AUTHORITY; AND
6	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	
10	NEW SECTION. Section 1. Academic brewer license under small brewer exception FLATHEAD
11	VALLEY COMMUNITY COLLEGE OR MONTANA STATE UNIVERSITY-BILLINGS conditions. (1) A unit of the Montana
12	university system or a FLATHEAD VALLEY community college OR MONTANA STATE UNIVERSITY-BILLINGS may apply
13	for an academic brewer license under this section that <u>+</u>
14	(A) meets the requirements of 16-3-214 with a <u>THE</u> small brewery exception, as provided for in 16-3-213,
15	for <u>EXCEPT THAT BEER PRODUCED MAY BE TAKEN OFF THE PREMISES ONLY FOR PARTICIPATION IN NATIONAL OR REGIONAL</u>
16	TASTING COMPETETIONS AND THE HOURS OF OPERATION OF A SAMPLING ROOM, IF ONE IS PROVIDED, MAY NOT EXCEED
17	20 HOURS A WEEK, THE OUNCES OF MALT BEVERAGE THAT MAY BE SOLD OR GIVEN TO EACH INDIVIDUAL CUSTOMER IN THE
18	SAMPLING ROOM MAY NOT EXCEED 12 OUNCES IN A BUSINESS DAY, AND THE SAMPLING ROOM IS RESTRICTED TO
19	ON-PREMISES PROVISION OF SAMPLES; AND
20	(B) OPERATES ALLOWS THE LICENSEE TO BREW AND SELL BEER TO WHOLESALERS AS PROVIDED IN THIS SECTION.
21	THE ACADEMIC BREWER LICENSE:
22	(A) DOES NOT ALLOW FOR THE SALE OF BEER AT RETAIL AND DOES NOT ALLOW FOR THE OPERATION OF A SAMPLE
23	ROOM AS PROVIDED IN 16-3-213;
24	(B) IS LIMITED TO PRODUCTION OF 10,000 BARRELS ANNUALLY;
25	(C) ALLOWS FOR DISTRIBUTION ONLY TO WHOLESALERS AS PROVIDED IN 16-3-214;
26	(D) IS UNDER THE OWNERSHIP OF FLATHEAD VALLEY COMMUNITY COLLEGE OR MONTANA STATE UNIVERSITY-
27	BILLINGS:
28	(E) IS NOT SUBJECT TO QUOTAS UNDER 16-4-105 OR TO THE PROVISIONS OF 16-3-306;
29	(F) MAY NOT OFFER GAMBLING ACTIVITIES:
30	(G) IS OTHERWISE SUBJECT TO LAWS APPLYING TO BREWERY LICENSES AS PROVIDED IN THIS CODE; AND
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1	(H) MUST OPERATE IN a AN ON-CAMPUS facility operated in conjunction with a beer-brewing class or
2	curriculum taught at the Montana university system unit or community college OR MONTANA STATE
3	UNIVERSITY-BILLINGS.
4	(2) When the unit of the university system or the <u>FLATHEAD VALLEY</u> community college <u>OR MONTANA STATE</u>
5	UNIVERSITY-BILLINGS has met the conditions in subsection (3) and has paid the fee specified for a brewer under
6	16-4-501, the department shall issue the academic brewer license.
7	(3) To obtain a license under this section, the applicant FLATHEAD VALLEY COMMUNITY COLLEGE OR
8	MONTANA STATE UNIVERSITY-BILLINGS shall:
9	(a) document approval by the community college district board of trustees OR THE BOARD OF REGENTS OF
10	HIGHER EDUCATION, AS APPLICABLE or the board of regents of higher education, as applicable;
11	(b) identify the on-campus location of the site where classes in beer making are to be held and detail the
12	seating capacity for a sample room, if one is to be provided; and
13	(c) for criminal background requirements under 16-4-414, designate two or more individuals, each of
14	whom must have responsibility for licensing compliance and each of whom must meet the requirements in
15	16-4-401(2)(a) <u>16-4-401(4)(A)</u> .
16	(4) An academic brewer license is under the ownership of the unit of the Montana university system or
17	FLATHEAD community college and is:
18	(a) to operate under the small brewery exception described in 16-3-213, WITH THE EXCEPTIONS PROVIDED
19	IN SUBSECTION (1)(A) OF THIS SECTION;
20	(b) not subject to quotas under 16-4-105 or to the provisions of 16-3-306; and
21	(c) not able to offer gambling activities.
22	(5)(4) The department may adopt rules to implement this section.
23	
24	NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
25	integral part of Title 16, chapter 3, and the provisions of Title 16, chapter 3, apply to [section 1].
26	
27	NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.
28	- END -

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