

BREWERY LAWS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: It is the policy of Montana to control the manufacture, sale, importation, and distribution of alcoholic beverages. The Montana Alcoholic Beverage Code thus establishes three separate entities to effectuate this goal. This is commonly referred to as the three legged stool to alcohol regulation: manufacture, sale, and distribution. Prior to 1999, breweries were generally prohibited from selling alcohol. In 1999, the Legislature allowed small breweries to provide up to 48 ounces of samples in a room located on premises. The 1999 law defined small brewery as a brewery producing less than 10,000 barrels. The definition of small brewery was expanded to a maximum of 60,000 barrels in 2017.

Legislative Services Division Materials: Memo re: administrative rules for small breweries
<https://leg.mt.gov/content/Publications/Legal-Opinions/Memos/0327022091LHHALGL.pdf>.

Other Materials: Montana Department of Revenue alcoholic beverage control publications:
<https://mtrevenue.gov/publications/liquor-publications/>.

Introduced Legislation

2017

HB 541 -- Chapter Number Assigned -- 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 MANUFACTURERS AND BEER PURCHASED FROM OTHER BREWERIES MUST BE USED IN DETERMINING THE AMOUNT OF PRODUCTION; REVISING TAXES IMPOSED ON PRODUCTION BY BREWERS; AND AMENDING SECTIONS 16-1-406, 16-3-213, AND 16-4-501, MCA.

[HB 483](#) -- (H) Died in Standing Committee -- AN ACT PROVIDING FOR ACCURATE MEASURING AND REPORTING OF THE QUANTITY OF BEER MANUFACTURED AND SOLD BY A BREWER; CLARIFYING BREWER REPORTING REQUIREMENTS; REQUIRING THE USAGE OF A BEER METERING DEVICE FOR CERTAIN MONTANA BREWERIES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 16-1-406 AND 16-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[HB 603](#) -- (H) Died in Standing Committee -- AN ACT REVISING LIQUOR LAWS TO EXPAND HOURS AND LICENSE RENEWAL FEES FOR SMALL BREWERIES AND MICRODISTILLERIES; AMENDING SECTIONS 16-3-213, 16-4-312, AND 16-4-501, MCA; AND PROVIDING AN EFFECTIVE DATE.

[SB 356](#) -- (S) Died in Standing Committee -- AN ACT REVISING LAWS PERTAINING TO RETAIL ALCOHOL LICENSEES TO ALLOW FOR BREW PUB AND DISTILLERY ENDORSEMENTS; ALLOWING RETAIL BEER AND WINE AND ALL-BEVERAGES LICENSEES TO BREW BEER AT THE LICENSED LOCATION; PROVIDING THAT THE BREW PUB ENDORSEMENT IS INDEPENDENT OF THE BREWER OR BREWERY LICENSE; ALLOWING ALL-BEVERAGES LICENSEES TO HOLD A DISTILLER ENDORSEMENT; PROVIDING AN ACTIVATION AND ANNUAL ENDORSEMENT FEE; AND AMENDING SECTION 16-4-402, MCA.

2015

[HB 326](#) -- (H) Missed Deadline for Revenue Bill Transmittal -- AN ACT GENERALLY REVISING ALCOHOL LICENSE LAWS RELATING TO BREWERS AND BREWERIES; ALLOWING LICENSED BREWERS TO HOLD A RETAIL LICENSE; ALLOWING A HOLDER OF A RETAIL LICENSE TO HOLD A BREWER LICENSE; REVISING THE DEFINITION OF "SMALL BREWERY"; REVISING BREWER LICENSE APPLICATION REQUIREMENTS; AMENDING SECTIONS 16-3-213, 16-3-214, 16-3-241, 16-3-242, 16-3-244, 16-4-203, 16-4-207, 16-4-401, 16-4-405, AND 16-4-413, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE.

[HB 336](#) -- (H) Missed Deadline for Revenue Bill Transmittal -- AN ACT REVISING THE LAW GOVERNING SMALL BREWERIES; 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 BREWERS BE USED IN DETERMINING THE AMOUNT OF PRODUCTION; AND AMENDING SECTION 16-3-213, MCA.

[HB 360](#) -- (H) Missed Deadline for General Bill Transmittal -- AN ACT REPEALING STATUTORY PRESUMPTIONS ESTABLISHING A CONTRACTUAL RELATIONSHIP BETWEEN LICENSED WHOLESALERS AND BREWERS OR BEER IMPORTERS; AND REPEALING SECTION 16-3-224, MCA.

2013

[HB 58](#) -- (S) Died in Process -- AN ACT CREATING A BREW-ON-PREMISES LICENSE AND AUTHORIZING A PERSON PERMITTING THE USE OF FACILITIES FOR PRIVATE MANUFACTURE OF BEER AND MALT BEVERAGES TO HOLD A LICENSE AND PAY AN ANNUAL LICENSE FEE; PROHIBITING PHYSICAL ASSISTANCE OF BREWING BY THE LICENSEE; ESTABLISHING BREW-ON-PREMISES LICENSING REQUIREMENTS AND ENFORCEMENT PROVISIONS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

[HB 616](#) -- (H) Died in Standing Committee -- AN ACT REVISING THE PERMITTING AND LICENSING LIMITATIONS FOR BREWERS AND BREWERIES AND HOLDERS OF A RETAIL BEER LICENSE OR AN ALL-BEVERAGES LICENSE; REVISING THE RETAIL SALE OF BEER BY A BREWER OR BREWERY; ALLOWING HOLDERS OF A RETAIL BEER LICENSE OR AN ALL-BEVERAGES LICENSE TO ALSO HOLD A BREWER'S LICENSE; ALLOWING HOLDERS OF A BREWER'S LICENSE TO ALSO HOLD A RETAIL BEER LICENSE OR AN ALL-BEVERAGES LICENSE; ALLOWING EXISTING SMALL BREWERIES WITH SAMPLE ROOMS TO PURCHASE RESTRICTED BEER RETAILER'S LICENSES FROM THE DEPARTMENT OF REVENUE DURING A 2-YEAR PERIOD; ESTABLISHING A LICENSE ISSUANCE FEE FOR THE RESTRICTED BEER RETAILER'S LICENSE; PROVIDING THAT SAMPLES OF BEER PROVIDED BY A SMALL BREWERY MAY NOT EXCEED A PERCENTAGE OF THE AMOUNT OF BEER BREWED AND FERMENTED ANNUALLY ON THE PREMISES WHERE THE SAMPLES ARE PROVIDED; PROVIDING A TRANSITION SECTION FOR EXISTING SMALL BREWERIES; EXPANDING RULEMAKING AUTHORITY; AMENDING SECTIONS 16-1-106, 16-3-213, 16-3-214, 16-3-241, 16-3-242, 16-3-301, 16-3-406, 16-4-104, AND 16-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

2011

[SB 202](#) -- (S) Died in Standing Committee -- AN ACT MODIFYING THE SERVING HOURS FOR SMALL BREWERIES; ESTABLISHING A TIME BY WHICH SAMPLES MUST BE CONSUMED; AMENDING SECTION 16-3-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 203](#) -- Chapter Number Assigned -- AN ACT ALLOWING THE SALE AND FURNISHING OF BEER BY ON-PREMISES RETAILERS IN GROWLERS FOR OFF-PREMISES CONSUMPTION; AMENDING SECTIONS 16-1-106 AND 16-3-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 389](#) -- Chapter Number Assigned -- AN ACT ALLOWING A BREWERY TO IMPORT OR PURCHASE NECESSARY NONBEVERAGE INGREDIENTS CONTAINING ALCOHOL AS INGREDIENTS FOR BLENDING OR MANUFACTURING PURPOSES; REQUIRING THE DEPARTMENT OF REVENUE TO ESTABLISH CONDITIONS FOR THE IMPORTATION OR PURCHASE; PROVIDING THAT THE NONBEVERAGE INGREDIENTS FOR USE BY A BREWERY AND DISTILLED SPIRIT INGREDIENTS FOR A DISTILLERY OR A MICRODISTILLERY ARE EXEMPT FROM STATE TAXES AND MARKUP; DECREASING THE MINIMUM ALCOHOL CONTENT APPLICABLE TO DISTILLERIES; AND AMENDING SECTIONS 16-1-401, 16-1-404, 16-3-214, AND 16-4-311, MCA.

2009

[HB 400](#) -- Chapter Number Assigned -- AN ACT REVISING THE ALCOHOL CONTENT OF BEER; AND AMENDING SECTIONS 16-1-102, 16-1-106, AND 16-3-244, MCA.