

HOUSE BILL NO. 462

INTRODUCED BY F. GARNER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ACADEMIC BREWER LICENSE UNDER THE SMALL BREWER EXCEPTION FOR A BREWER LICENSE; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Academic brewer license under small brewer exception -- FLATHEAD VALLEY COMMUNITY COLLEGE OR MONTANA STATE UNIVERSITY-BILLINGS -- conditions. (1) ~~A unit of the Montana university system or a FLATHEAD VALLEY community college OR MONTANA STATE UNIVERSITY-BILLINGS~~ may apply for an academic brewer license under this section that:

~~—— (A) meets the requirements of 16-3-214 with a THE small brewery exception, as provided for in 16-3-213, for EXCEPT THAT BEER PRODUCED MAY BE TAKEN OFF THE PREMISES ONLY FOR PARTICIPATION IN NATIONAL OR REGIONAL TASTING COMPETITIONS AND THE HOURS OF OPERATION OF A SAMPLING ROOM, IF ONE IS PROVIDED, MAY NOT EXCEED 20 HOURS A WEEK, THE OUNCES OF MALT BEVERAGE THAT MAY BE SOLD OR GIVEN TO EACH INDIVIDUAL CUSTOMER IN THE SAMPLING ROOM MAY NOT EXCEED 12 OUNCES IN A BUSINESS DAY, AND THE SAMPLING ROOM IS RESTRICTED TO ON-PREMISES PROVISION OF SAMPLES; AND~~

~~—— (B) OPERATES; ALLOWS THE LICENSEE TO BREW AND SELL BEER TO WHOLESALERS AS PROVIDED IN THIS SECTION.~~
THE ACADEMIC BREWER LICENSE:

(A) DOES NOT ALLOW FOR THE SALE OF BEER AT RETAIL AND DOES NOT ALLOW FOR THE OPERATION OF A SAMPLE ROOM AS PROVIDED IN 16-3-213;

(B) IS LIMITED TO PRODUCTION OF 10,000 BARRELS ANNUALLY;

(C) ALLOWS FOR DISTRIBUTION ONLY TO WHOLESALERS AS PROVIDED IN 16-3-214;

(D) IS UNDER THE OWNERSHIP OF FLATHEAD VALLEY COMMUNITY COLLEGE OR MONTANA STATE UNIVERSITY-BILLINGS;

(E) IS NOT SUBJECT TO QUOTAS UNDER 16-4-105 OR TO THE PROVISIONS OF 16-3-306;

(F) MAY NOT OFFER GAMBLING ACTIVITIES;

(G) IS OTHERWISE SUBJECT TO LAWS APPLYING TO BREWERY LICENSES AS PROVIDED IN THIS CODE; AND

(H) ~~MUST OPERATE IN A AN ON-CAMPUS~~ facility operated in conjunction with a beer-brewing class or curriculum taught at the ~~Montana university system unit or community college~~ OR MONTANA STATE UNIVERSITY-BILLINGS.

(2) ~~When the unit of the university system or the~~ FLATHEAD VALLEY community college OR MONTANA STATE UNIVERSITY-BILLINGS has met the conditions in subsection (3) and has paid the fee specified for a brewer under 16-4-501, the department shall issue the academic brewer license.

(3) To obtain a license under this section, ~~the applicant~~ FLATHEAD VALLEY COMMUNITY COLLEGE OR MONTANA STATE UNIVERSITY-BILLINGS shall:

(a) document approval by the community college district board of trustees OR THE BOARD OF REGENTS OF HIGHER EDUCATION, AS APPLICABLE ~~or the board of regents of higher education, as applicable;~~

(b) identify the on-campus location of the site where classes in beer making are to be held ~~and detail the seating capacity for a sample room, if one is to be provided;~~ and

(c) for criminal background requirements under 16-4-414, designate two or more individuals, each of whom must have responsibility for licensing compliance and each of whom must meet the requirements in ~~16-4-401(2)(a)~~ 16-4-401(4)(A).

~~(4) An academic brewer license is under the ownership of the unit of the Montana university system or~~ FLATHEAD community college and is:

~~—— (a) to operate under the small brewery exception described in 16-3-213, WITH THE EXCEPTIONS PROVIDED IN SUBSECTION (1)(A) OF THIS SECTION;~~

~~—— (b) not subject to quotas under 16-4-105 or to the provisions of 16-3-306; and~~

~~—— (c) not able to offer gambling activities.~~

~~(5)(4)~~ The department may adopt rules to implement this section.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 16, chapter 3, and the provisions of Title 16, chapter 3, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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