



PROPOSALS FOR MAKING ALABAMA’S ALCOHOLIC BEVERAGE LAWS CONGRUENT, COMPETITIVE, AND CONSISTENT WITH OTHER STATES

For the Alabama Alcoholic Beverage Study Commission

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July 1, 2015

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Special Thanks

J. Eric Getty of Balch & Bingham LLP was the primary counsel when developing this guide. However, several other individuals and organizations were particularly helpful in decoding the diverse alcoholic beverage laws throughout the United States.

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Introduction

The enabling legislation for the Alabama Alcoholic Beverage Study Commission states that

The goal of the commission is to examine and determine if Alabama’s alcoholic beverage laws related to the manufacture, distribution, and sale of alcoholic beverages are congruent, competitive, and consistent with the alcoholic beverage industry related laws from across the United States.¹

To assist the commission in this goal, the Alabama Brewers Guild has researched the alcoholic beverage laws of the 50 states and the District of Columbia. Based on that research and the business experience of its members, we make the proposals contained in this document. Within this document, the District of Columbia is treated as a state.

As requested by the commission, we have excluded issues related to Title 28, Chapter 9 as those issues do not pertain to the three-tier system.

Disclaimer

The Alabama Brewers Guild and several supporting individuals and organizations contributed research to compile the laws and recommendations in this document. While efforts were made to ensure the accuracy of the contents of this document, it should not be considered the final word on the alcoholic beverage laws contained herein. This document does not constitute legal advice and is intended solely as a resource to be used by the Alabama Alcoholic Beverage Study Commission in fulfilling its goal. State laws change frequently, but this document represents a good-faith effort to provide the Commission with accurate information as of the date of this report.

¹ Act No. 2015-144

Proposals

Primary Proposal

We respectfully ask the commission to consider the following proposal.

Create a single craft brewer license. Create a new manufacturer-class license for brewpubs and limited-production breweries based in Alabama. Ideally, this new license would replace the current brewpub license.

A single craft brewer license will maintain accountability to state regulators and recognize the distinct and unique business models of craft brewers. The craft brewer license should be considered a manufacturer-class license within the three-tier system, but also have the privileges common to craft brewers throughout the United States.

1. **Limit Production.** The craft brewer license should be available only to small brewers based on production capacity. One suggestion is to limit a new craft brewery license to those brewpubs and/or packaging breweries that produce no more than the maximum amount of beer permitted by federal beer excise tax law to qualify for a “reduced rate of tax for certain brewers.”²
2. **Allow on-premise and off-premise direct sales.** Allow Alabama craft brewers to conduct direct-to-consumer sales of beer produced at their breweries for consumption on or off the licensed premises.
3. **Allow self-distribution.** Allow Alabama craft brewers the option to sell beer to retail licensees without being required to go through a beer wholesaler.
4. **Allow retail sales of other alcohol.** Allow Alabama craft breweries to purchase alcohol from the ABC Board or distributors for resale to the public at the licensed premises.

Alternative Proposals

The creation of a single craft brewer license as outlined above would follow the best practices framework of many states. However, if the commission does not adopt the recommendation to create a new license, we respectfully ask the commission to consider the above proposals in another framework. Specifically:

1. Allow craft brewers to conduct on-premise and off-premise direct sales.
2. Allow craft brewers to self-distribute.
3. Allow craft brewers to conduct retail sales.

In the event that the primary proposal is accepted, then the brewpub license would be replaced and the following proposals may be unnecessary. However, if a single craft brewer license is not created, we also respectfully ask the commission to consider the following changes to the Alabama Brewpub Act,³ as appropriate.

1. Allow brewpub licensees to conduct direct sales of sealed containers of beer produced by the licensee for consumption off the licensed premises.

² 27 C.F.R., Part 25, § 25.152

³ See Ala. Code §§ 28-4A-2, 28-4A-3 for restrictions.

2. Allow brewpub licensees to package its products in bottles or cans.
3. Increase the production cap on brewpub licensees.
4. Remove the requirement that a brewpub license be located in a county where beer was brewed for public consumption prior to the ratification of the 18th Amendment to the United States Constitution.
5. Remove the requirement that a brewpub license be located in a historic building or site, or in a registered historic district, or in any economically distressed area.
6. Allow brewpub licensees to self-distribute the beer it produces to retail licensees.

Justification of Proposals

Each proposal and sub-proposal outlined above was evaluated against three criteria:

1. It must be common practice throughout the United States.
2. It must provide opportunity for craft brewers in Alabama.
3. It must recognize that beer and other alcoholic beverages are unique products that need to be marketed and distributed in a responsible manner.

In particular, we looked at the laws of Colorado and North Carolina when developing proposals.

Creating a craft brewer license

In 1992, the state legislature passed the Alabama Brewpub Act in response to the burgeoning microbrewery industry. Unfortunately, the license has proven overly restrictive and is only rarely utilized by craft brewers operating in Alabama. Only about 10% of current and planned breweries in Alabama opt for the overly-restrictive brewpub license.

The regressive limitations on the brewpub license include severe and unusual location restrictions, a prohibition on packaging products in bottles or cans, a restrictive production cap, a prohibition on off-premise direct sales, and no self-distribution privileges.

Most breweries in Alabama find more success in the general manufacturer license. Unfortunately, this license also fails to allow for the common business practices of craft breweries operating throughout the United States.

A craft brewer license that allows for common practices would benefit Alabama's local craft brewers and the wider industry. A typical craft brewer establishes a local customer base. Over time, the brewer increases capacity and begins to utilize distributors and retailers in a larger geographic area. This strikes a balance between providing an opportunity for incubator breweries to grow, while at the same time recognizing that beer is a unique product that should be regulated in a responsible manner.

Only about 10% of current and planned craft breweries in Alabama opt for the overly-restrictive brewpub license.

Allowing off-premises direct sales

Every state allows for direct sales within its three-tier system, including Alabama. However, Alabama is rare in that it has an absolute prohibition on off-premise direct sales from a brewery.

Off-premises direct sales can exist without affecting the integrity of the three-tier system. Wineries in Alabama have been allowed unlimited direct-to-consumer sales for decades. You can leave a winery with a bottle of wine in Alabama, but you cannot leave a brewery with a sealed bottle of beer.

Direct sales generate revenue for small-business breweries and provide for an important marketing opportunity. Craft breweries are experience-based destinations that create a lasting connection between the brewery and customer. Being able to leave with the brewery's packaged products is an important way to generate future sales during the customer's normal shopping routine.

You can leave a winery with a bottle of wine in Alabama, but you cannot leave a brewery with a sealed bottle of beer.

Allowing self-distribution

Nearly three-quarters of states allow for self-distribution, whereby a brewery distributes its own beer to licensed retailers.

In particular, self-distribution to promotional events such as beer festivals and other special events is beneficial to both the craft brewer and the distributor. The brewery has greater control over its brand marketing and development and assumes the expense of servicing these special events.

Over time, as brands grow, brewers will enter into agreements with distributors who will benefit from the brewer's brand-building efforts.

Nearly three-quarters of states allow for self-distribution.

Allowing retail sales of other alcohol

Small breweries in many states, including Alabama breweries licensed under the Alabama Brewpub Act, are allowed to hold retail-class licenses in order to sell alcoholic beverages to consumers other than what they produce.

Currently, only those breweries licensed under the Alabama Brewpub Act are authorized to conduct retail sales of other alcohol.

This change would allow Alabama brewers to create an additional revenue stream at their breweries by establishing restaurants with full bars that employ more citizens and attract tourists and neighborhood residents alike. Alcohol sales would be subject to all Alabama laws governing all alcohol beverage retailers.

Currently, only those breweries licensed under the Alabama Brewpub Act are authorized to conduct retail sales of other alcohol.

Laws Granting Brewers Direct Sales and Retail Privileges

The end notes provide information on only the following: transaction limits, volume limits, packaging restrictions, or other particularly unusual restrictions. Many states allow retail sales by beer producers by not prohibiting manufacturer-class licensees from obtaining a retail-class license.

Chart Legend

License Type: Every license type that allows for the commercial production of beer is included for each state.

Production Limit: The maximum volume of production, if any, that the particular license may produce annually. All measurements are in US Beer Barrels (bbls). 1 bbl = 31 gallons.

On-premise: Indicates whether the particular license allows sales of beer produced by the licensee for consumption on the licensed premises

Off-premise: Indicates whether the particular license allows sales of beer produced by the licensee for consumption off the licensed premises.

Other Alcohol: Indicates whether the particular license allows the sale of alcoholic beverages that were not produced by the licensee.

License Type	Production Limit	On-premise	Off-premise	Other Alcohol
Alabama				
<i>References: Ala. Code §§ 28-3A-6, 28-4A-3</i>				
Manufacturer	No Limit	✓	✗	✗
Brewpub¹	10,000 bbls	✓	✗	✓
Alaska				
<i>References: Alaska Stat. §§ 04.11.130, 04.11.135</i>				
Brewery License	No Limit	✓ ²	✓ ³	✗
Brewpub	15,000 bbls	✓	✓ ³	✓
Arizona				
<i>References: Ariz Rev. Stat §§ 4-205.08, 4-243.02</i>				
Producer	No Limit	✓	✓	✗
Microbrewery	200,000 bbls ⁴	✓	✓	✓
Arkansas				
<i>References: Ark. Code § 3-5-1405, 006 02 CARR 001</i>				
Manufacturing Permit	No Limit	✓ ⁵	✓ ⁶	✗
Small Brewery	45,000 bbls ⁷	✓	✓	✓
Microbrewery-restaurant	20,000 bbls	✓	✓	✓
California				
<i>References: Cal. Bus. & Prof. Code §§ 23320, 23357, 23396.3</i>				
Beer Manufacturer	No Limit	✓	✓	✓ ⁸
Small Beer Manufacturer	60,000 bbls	✓	✓	✓ ⁸
On-Sale General Brew-Pub⁹	5,000 bbls	✓	✗	✓

License Type	Production Limit	On-premise	Off-premise	Other Alcohol
Colorado				
<i>References: Colo. Rev. Stat. §§ 12-47-103, 12-46-104, 12-47-402 12-47-415</i>				
Manufacturer	No Limit	✓	✓	✗
Brew Pub License	60,000 bbls	✓ ¹⁰	✓	✓
Connecticut				
<i>References: Conn. Gen. Stat. § 30-16</i>				
Manufacturer Permit for Beer	No Limit ¹¹	✓	✓ ¹²	✗
Manufacturer for Brew Pub	No Limit ¹¹	✓	✓	✓
Manufacturer for Beer & Brewpub	No Limit ¹¹	✓	✓	✗
Delaware				
<i>References: 4 Del. C. §§ 512B, 512C, 554; 27 C.F.R., Part 25, § 25.152(a)(2)</i>				
Microbrewery	2,000,000 bbls	✓	✓ ¹³	✗
Brewery-pub¹⁴	4,000 bbls	✓	✓	✓
District of Columbia				
<i>References: D.C. Code §§ 25-101, 25-110, 25-117, 25-126</i>				
Manufacturer's License Class B	No Limit	✓ ¹⁵	✓	✗
Brew pub Permit	No Limit	✓	✓ ¹⁶	✓
Florida				
<i>References: Fla. Stat. §§ 561.14, 561.221</i>				
Manufacturer	No Limit	✓	✓	✓
Brewpub	5,000 bbls	✓	✓	✓
Georgia				
<i>References: Ga. Code Ann. §§ 3-1-2, 3-5-36, 3-5-38</i>				
Manufacturer	No Limit	✓ ¹⁷	✓ ¹⁷	✗
Brewpub¹⁸	10,000 bbls	✓	✗	✓
Hawaii				
<i>References: Haw. Rev. Stat. § 281-31</i>				
Manufacturer	No Limit	✓	✓	✗
Brewpub	No Limit	✓	✓ ¹⁹	✓
Small Craft Producer Pub License	60,000 bbls	✓	✓ ¹⁹	✓
Idaho				
<i>References: Idaho Code Ann. § 23-1003</i>				
Brewers' License	No Limit	✗	✗	✗
Brewer's Retail License	30,000 bbls	✓	✓	✗
Brewers' Pub License	30,000 bbls	✓	✓	✓
Illinois				
<i>References: 235 Ill. Comp. Stat. § 5/5-1, 5/1-3.33, 5/1-3.38, 5/6-4</i>				
Brewer Manufacturer License	No Limit	✓	✓	✗
Brew Pub License	5000 bbls	✓	✓	✓
Craft Brewer's License	30,000 bbls ²⁰	N/A	N/A	N/A

License Type	Production Limit	On-premise	Off-premise	Other Alcohol
Indiana				
<i>References: Ind. Code §§ 7.1-3-2-7, 7.1-4-4.1-14, 7.1-4-4.1-16</i>				
Brewer's Permit	No Limit	✗	✗	✗
Small Brewers Permit	90,000 bbls ²¹	✓ ²²	✓ ²³	✓
Iowa				
<i>References: Iowa Code §§ 123.130, 123.135</i>				
Manufacturer's Permit	No Limit	✓	✓	✓
Brew Pub	No Limit	✓	✓	✓
Kansas				
<i>References: Kan. Stat. §§ 41-102, 41-305, 41-308b, 41-2621</i>				
Manufacturer	No Limit	✗ ²⁴	✗	✗
Microbrewery License	30,000 bbls ²⁵	✓ ²⁶	✓	✓ ²⁶
Kentucky				
<i>References: Ky. Rev. Stat. §§ 243.150, 243.157</i>				
Brewer's License	No Limit	✗ ²⁷	✗ ²⁸	✗
Microbrewery License	25,000 bbls	✓	✓ ²⁹	✓
Louisiana				
<i>References: La. Rev. Stat. §§ 26:271.1, 26:273</i>				
Manufacturer	No Limit	✓ ³⁰	✓ ³⁰	✗
Microbrewer	12,500 bbls	✓	✓	✓
Maine				
<i>References: 28-A M.R.S. 1355-A</i>				
Manufacturer	No Limit	✓	✓ ³¹	✓
Small Brewery	1,600 bbls	✓	✓	✓
Maryland				
<i>References: Md. Ann. Code art. 2B, §§ 2-206, 2-207, 2-208, 2-209</i>				
Brewery License	No Limit	✓ ³²	✓ ³³	✗
Microbrewery	22,500 bbls	✓ ³⁴	✓	✓
Farm Brewery ³⁵	15,000 bbls	✓	✓	✗
Pub-Brewery	2,000 bbls	✓	✓	✓
Massachusetts				
<i>References: Mass. Gen. Laws ch. 138 §§ 19, 19C, 19D</i>				
Manufacturer License	No Limit	✓ ³⁶	✓	✓
Farmer-Brewery License	No Limit	✓	✓	✗
Pub Brewery License	No Limit	✓	✓ ³⁷	✓
Michigan				
<i>References: Mich. Comp. Laws §§ 436.1105, 436.1109, 436.1407, 436.1411</i>				
Brewer	No Limit	✓	✓	✗
Micro Brewer	60,000 bbls	✓	✓	✗
Brewpub	18,000 bbls	✓ ³⁸	✓	✓

License Type	Production Limit	On-premise	Off-premise	Other Alcohol
Minnesota				
<i>References: Minn Stat. §§ 340A.301</i>				
Brewer's License	No Limit	✓ ³⁹	✗	✗
Small Brewer's License	20,000 bbls	✓	✓ ⁴⁰	✓
Mississippi				
<i>References: Miss. Code Ann. §§ 67-3-22, 67-3-46</i>				
Brewing Permit	No Limit	✗	✗	✗
Brewpub	3,193 bbls ⁴¹	✓	✓ ⁴²	✓
Missouri				
<i>References: Mo. Rev. Stat. §§ 311.070, 311.180, 311.195</i>				
Liquor Manufacturer-Solicitor	No Limit	✓	✓	✓
5% Beer Manufacturer⁴³	No Limit	✗	✗	✗
Microbrewery⁴³	10,000 bbls	✓	✗	✓
Montana				
<i>References: Mont. Code Ann. §§ 16-3-213, 16-3-214</i>				
Brewer	No Limit	✗	✓ ⁴⁵	✗
Brewer	60,000 bbls	✓	✓ ⁴⁵	✗
Small Brewery	10,000 bbls ⁴⁴	✓ ⁴⁵	✓ ⁴⁶	✗
Nebraska				
<i>References: Neb. Rev. Stat. §§ 53-103.05, 53-123.01, 53-123.14</i>				
Manufacturer's License	No Limit	✓	✗	✗
Craft Brewery/Microbrewery	20,000 bbls	✓	✓	✓
Brew pub	20,000 bbls	✓	✓	✓
Nevada				
<i>References: Nev. Rev. Stat. §§ 369.180, 597.230</i>				
Brewer's License	No Limit	✗	✗	✗
Brew pub	15,000 bbls	✓	✓	✓
New Hampshire				
<i>References: N.H. Rev. Stat. §§ 178:12, 178:12-a, 178:13</i>				
Beverage Manufacturer License	No Limit	✓ ⁴⁷	✓ ⁴⁷	✗
Brew Pub License	2,500 bbls	✓	✓	✓
Nano Brewery License	2,000 bbls	✓ ⁴⁸	✓	✗
New Jersey				
<i>References: N.J. Stat. § 33:1-10</i>				
Plenary Brewery	No Limit	✗	✗	✗
Limited Brewery	300,000 bbls	✓ ⁴⁹	✓ ³¹	✗
Restricted Brewery	10,000 bbls	✓	✓	✓
New Mexico				
<i>References: N.M. Stat. Ann. §§ 60-6A-6, 60-6A-26.1, 60-6A-22, 60-6A-33</i>				
Manufacturer License as a brewer	No Limit	✓ ⁵⁰	✗	✗
Small Brewer	200,000 bbls	✓	✓	✓

License Type	Production Limit	On-premise	Off-premise	Other Alcohol
New York				
<i>References: NY CLS AL. Bev. §§51, 51-a, 64-C</i>				
Brewer's License	No Limit	✓	✓ ⁵¹	✓ ⁵²
Farm Brewery	75,000 bbls	✓	✓	✓ ⁵¹
Microbrewery	60,000 bbls	✓	✓ ⁵³	✓ ⁵¹
Restaurant - Brewer	20,000 bbls	✓	✓ ⁵⁴	✓
North Carolina				
<i>References: N.C. Gen. Stat. § 18B-1001, 18B-1104</i>				
Brewery	No Limit	✓	✓	✗
Brewery	25,000 bbls	✓	✓	✓
North Dakota				
<i>References: N.D. Cent. Code §§ 5-01-01, 5-01-21</i>				
Alcoholic Beverage Manufacturer	No Limit	✗	✗	✗
Alcoholic Beverage Manufacturer	25,000 bbls	✓	✓ ⁵⁵	✗
Microbrew pubs	10,000 bbls	✓	✓	✓
Ohio				
<i>References: Ohio Rev. Code §§ 4303.02, 4303.021</i>				
Manufacturer of Beer (A-1)	No Limit	✓	✓	✓
Oklahoma				
<i>References: 37 OKL. St. §§ 231, 521</i>				
Brewer	No Limit	✓ ⁵⁶	✓ ⁵⁵	✓ ⁵⁷
Oregon				
<i>References: Or. Rev. Stat. § 471.200, 471.220</i>				
Brewery	No Limit	✓	✓	✗
Brewery-Pub House	200,000 bbls	✓	✓	✓
Pennsylvania				
<i>References: 47 P. S. §§ 4-443, 4-446</i>				
Brewery	No Limit ⁵⁸	✓	✓	✓
Rhode Island				
<i>References: R.I. Gen. Laws §§ 3-6-1, 3-6-1.2</i>				
Manufacturer's License	No Limit	✗	✓ ⁵⁹	✗
Brewpub Manufacturer's License	No Limit	✓	✓	✓
South Carolina				
<i>References: S.C. Code Ann. §§ 61-4-1515, 61-4-1740</i>				
Brewery Permit	No Limit	✓ ^{60,61}	✓ ^{33,58}	✗
Brewpub Permit	2,000 bbls	✓	✓	✓
South Dakota				
<i>References: S.D. Codified Laws §§ 35-4-2, 35-5-3.2</i>				
Brewer/Manufacturer of Malt Bev.	No Limit	✓	✗	✗
Brewer/Manufacturer of Malt Bev.	5,000 bbls	✓	✓	✓

License Type	Production Limit	On-premise	Off-premise	Other Alcohol
Tennessee				
<i>References: Tenn. Code Ann. § 57-5-101</i>				
Brewer	No Limit	✓ ⁶²	✓ ⁶⁰	✓ ⁶³
Texas				
<i>References: Tex. Alco. Bev. Code §§ 12.052, 62.122, 74.01, 74.03</i>				
Brewer's Permit	No Limit	✗	✗	✗
Brewer's Permit	225,000 bbls	✓ ⁶⁴	✗	✗
Brewpub License	10,000 bbls	✓	✓	✓
Utah				
<i>References: Utah Code Ann. § 32B-1-102, 32B-11-503</i>				
Brewery Manufacturing License	No Limit	✓ ⁶⁵	✗	✗
Brewery Manufacturing License	60,000 bbls	✓	✓	✗
Vermont				
<i>References: 7 V.S.A. § 2</i>				
Manufacturer's License	No Limit	✓ ⁶⁶	✓	✓
Virginia				
<i>References: Va. Code Ann § 4.1-208</i>				
Brewery	No Limit	✓	✓	✗
Limited Brewery License	15,000 bbls ⁶⁷	✓	✓	✗
Washington				
<i>References: Rev. Code Wash. §§ 66.24.240, 66.24.244, 66.24.580</i>				
Domestic Brewery	No Limit	✓	✓	✓ ⁶⁸
Microbrewery	60,000 bbls	✓	✓	✓ ⁶⁶
Public House	2,400 bbls	✓	✗	✓
West Virginia				
<i>References: W. Va. Code §§ 11-16-3, 11-16-6</i>				
Brewer	No Limit	✗	✓ ⁶⁹	✗
Resident Brewer	25,000 bbls	✗	✓ ⁶⁷	✗
Wisconsin				
<i>References: Wis. Stat. §§ 125.29, 125.295</i>				
Brewer	No Limit	✓	✓	✓ ⁷⁰
Brewpub	10,000 bbls	✓	✓	✓
Wyoming				
<i>References: Wyo. Stat. §§ 12-1-101, 12-4-412</i>				
Brewery	No Limit	✗	✗	✗
Microbrewery	50,000 bbls	✓	✓ ⁷¹	✓

¹ Must have food for consumption on-premise and must be actively and continuously engaged in manufacturing and brewing of beer

² The brewery may not serve more than 36 oz per person per day if certain conditions are not met

³ Not more than 5 gallons per customer per day may be sold for consumption off the premises

⁴ Must produce at least 160 bbls after first year

-
- ⁵ Must provide minimal food service
 - ⁶ Not more than 16 gallons per customer per day
 - ⁷ 35% of sales must be in-state
 - ⁸ Must be a bona-fide public eating place at or contiguous to the licensed premises and owned by manufacturer
 - ⁹ Must produce at least 100 bbls
 - ¹⁰ Only if at least 15% revenue is from food purchases
 - ¹¹ Must produce at least 165 bbls per year
 - ¹² Not more than 9 liters (2.38 gallons) per customer per day, and customer must have been on tour
 - ¹³ Not more than 5 cases per person per day may be sold for off-premises consumption
 - ¹⁴ Brewery must be on the premises or physically a part of the restaurant
 - ¹⁵ Special permit required, can only sell between 1pm and 9pm
 - ¹⁶ Not more than 64 oz per customer per day
 - ¹⁷ Georgia brewers can sell tours and provide up to 36 oz. for on-site consumption during the tour and provide a tour souvenir of malt beverage manufactured on the premises in an amount not exceeding 72 ounces total
 - ¹⁸ At least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food
 - ¹⁹ Limited to kegs, growlers, or sealable recyclable containers not exceeding 1 gallon
 - ²⁰ The Craft Brewer's License is obtained in addition to the Manufacturer's License and allows self-distribution privileges
 - ²¹ New limit of 90,000 bbls takes effect on July 1, 2015. Beer distributed out of state does not count toward the 90,000 bbls limit
 - ²² Must provide food [can be food truck, menus available of places that deliver, or prepared food]
 - ²³ Cannot sell more than ½ bbl for off-premise consumption per day
 - ²⁴ Free samples only
 - ²⁵ Must produce at least 100 bbls
 - ²⁶ Requires extra "club or drinking establishment" license
 - ²⁷ Free samples not to exceed 16oz per person per day
 - ²⁸ May sell to employee or charitable organization/fraternal group for group meeting
 - ²⁹ Cannot exceed 288 oz (24 beer cans) per person per day
 - ³⁰ Total amount of retail sales per month shall not exceed 10% of the total amount of all beverages produced on the premises for that month; or 250 bbls, whichever is greater
 - ³¹ Not more than 15.5 gallons per customer per day
 - ³² May not exceed 500 bbls
 - ³³ Not more than 288 ounces per customer per day and customer must have participated in a guided tour
 - ³⁴ Up to 4000 bbls
 - ³⁵ Must be manufactured with main ingredient from Maryland agriculture product produced on farm/manufacturer location
 - ³⁶ Licensees must obtain a Pub Brewery or Farm Brewery license for the location with retail sales.
 - ³⁷ Not more than 2 gallons per customer per day
 - ³⁸ 25% of gross sales from restaurant must come from food and non-alcoholic beverages
 - ³⁹ Brewer tap room license only available to brewers producing less than 250,000 barrels annually
 - ⁴⁰ Not more than 500 bbls per year total may be sold by the licensee for off-premise consumption
 - ⁴¹ A Brewpub is limited based on guest room capacity - less than 50 guest rooms shall not manufacture more than 40,300 gallons (1,300bbls); 50-500 guest rooms shall not manufacture more than 60,000 gallons (~1,935bbls); 500-1,000 guest rooms shall not manufacture more than 75,000 gallons (~2,419bbls); 1,000 or more guest rooms shall not manufacture more than 99,000 gallons (~3,193bbls).
 - ⁴² Only the final 100 gallons of beer within a fermenting tank may be placed in kegs for sale to customers
 - ⁴³ According to conversations with Missouri Brewers Guild, this license is considered deprecated and is not in active use.
 - ⁴⁴ Must produce at least 100 bbls
 - ⁴⁵ No more than 48 oz
 - ⁴⁶ Cannot exceed 10,000 bbls without wholesaler
 - ⁴⁷ Not more than a single 15.5 gallon keg or the equivalent of one case of 12 ounce containers per customer per day

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- ⁴⁸ Not more than one 4-oz sample per customer per day for each label may be sold on-premises consumption
- ⁴⁹ Only in connection with a tour of the brewery
- ⁵⁰ With tasting permit
- ⁵¹ Only in kegs, or in bulk for private parties with more than 50 people
- ⁵² Only alcoholic beverages produced in the same state may be sold at retail
- ⁵³ Can sell at the state fair, recognized county fairs, and at farmers' markets operated on a not-for-profit basis
- ⁵⁴ No more than 1000 bbls
- ⁵⁵ Must be in brewery-sealed containers of not less than twelve ounces and not more than 5.16 gallons
- ⁵⁶ Only for low-point beer (3.2% ABW or less); strong beer (greater than 3.2% ABW) may only be given as free samples with a max of 12 oz per person
- ⁵⁷ Must be a qualified retail restaurant
- ⁵⁸ Must produce at least 250 bbls
- ⁵⁹ Not more than 72 oz per customer per day
- ⁶⁰ A brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located
- ⁶¹ No more than 48 oz with tour
- ⁶² Not more than 25,000 bbls per year total may be sold at retail for consumption on or off the licensed premises.
- ⁶³ Must qualify for and hold a license as a "restaurant" or "Limited service restaurant."
- ⁶⁴ Not more than 5,000 bbls per year total may be sold by the licensee for on-premises consumption
- ⁶⁵ Food must be available
- ⁶⁶ Only 8-4oz glasses allowed for on-premise consumption
- ⁶⁷ Must also be located on a farm
- ⁶⁸ Other brewery brands may not exceed 25% of the domestic brewery's on-tap offering of its own brands
- ⁶⁹ Not more than ½ bbl (or 1 keg) per customer per day
- ⁷⁰ Must be bought from brewery that produces less than 300,000 bbls per year
- ⁷¹ Not more than 2,000 oz per sale.

Summary of State Brewer Self-Distribution Laws

Includes the District of Columbia. A ✓ indicates that there is some allowance for self-distribution in the state. See the referenced code section for particular limitations or restrictions.

State	Self-distribution	Reference
Alabama	✗	Ala. Code § 28-3A-6
Alaska	✓	Alaska Stat. § 04.11.010
Arizona	✓	Ariz. Rev. Stat. § 4-205.08
Arkansas	✓	Ark. Code Ann. § 3-5-1405
California	✓	Cal. Bus. & Prof. Code § 23357
Colorado	✓	Colo. Rev. Stat. §§ 12-47-402, 12-47-415
Connecticut	✓	Conn. Gen. Stat. § 30-16
Delaware	✗	4 Del. C. §§ 512B, 512C
District of Columbia	✓	D.C. Code § 25-110
Florida	✗	Fla. Stat. § 563.022
Georgia	✗	Ga. Code Ann. § 3-5-32
Hawaii	✓	Haw. Rev. Stat. § 281-31
Idaho	✓	Idaho Code § 23-1003
Illinois	✓	235 Ill. Comp. Stat. §§ 5/5-1, 5/3-12
Indiana	✓	Ind. Code Ann. § 7.1-3-2-7
Iowa	✓	Iowa Code § 123.124
Kansas	✗	Kan. Stat. Ann. § 84-1-101
Kentucky	✗	Ky. Rev. Stat. § 243.157
Louisiana	✗	La. Rev. Stat. § 26:273
Maine	✓	Me. Rev. Stat. Ann. tit. 28-A § 1335-A
Maryland	✓	Md. Ann. Code art. 2B § 2-208
Massachusetts	✓	Mass. Gen. Laws ch. 138 § 19
Michigan	✓	Mich. Comp. Laws § 436.1401
Minnesota	✓	Minn. Stat. 340A.301
Mississippi	✗	Miss. Code Ann. § 67-3-46
Missouri	✗	Mo. Rev. Stat. § 311.195
Montana	✓	Mont. Code Ann. § 16-3-214
Nebraska	✗	Neb. Rev. Stat. § 53-169
Nevada	✗	Nev. Rev. Stat. Ann. § 369.382
New Hampshire	✓	N.H. Rev. Stat. Ann. §§ 178:12, 178:12A, 178:13
New Jersey	✓	N.J. Stat. § 33:1-10
New Mexico	✓	N.M. Stat. Ann. § 60-6A-26.1
New York	✓	N.Y. Al. Bev Law §§ 51, 52, 64-c
North Carolina	✓	N.C. Gen. Stat. § 18B-1104
North Dakota	✓	N.D. Cent. Code § 5-01-11, 5-01-14

Ohio	✓	Ohio Rev. Code §§ 4303.02, 4303.022, 4301.24
Oklahoma	✓	Okl. Stat. tit. 37 § 521
Oregon	✓	Or. Rev. Stat. §§ 471.200, 471.220
Pennsylvania	✓	47 Pa. Cons. Stat. § 4-431
Rhode Island	✓	R.I. Gen. Laws § 3-6-1
South Carolina	✗	S.C. Code Ann. § 61-4-940
South Dakota	✗	S.D. Codified Laws § 35-8A-8
Tennessee	✓	Tenn. Code Ann §§ 57-5-101, 57-2-104
Texas	✓	Tex. Alco. Bev. Code §§ 62.01, 74.01, 74.08
Utah	✓	Utah Code Ann. § 32B-11-503
Vermont	✓	Vt. Stat. Ann. tit. 7 § 230
Virginia	✓	Va. Code Ann. § 4-1-208
Washington	✓	Rev. Wash. Code § 66.24.244
West Virginia	✓	W. Va. Code §§ 11-16-6, 60-4-3
Wisconsin	✓	Wis. Stat. §§ 125.29, 125.295
Wyoming	✓	Wyo. Stat. §§ 12-2-201, 12-4-412, 12-5-401

Glossary

Beer Manufacturer: In Alabama, a brewer licensed under § 28-3A-6 of the Alabama Code. Manufacturer licensees do not have many of the restrictions placed on brewpubs but may not serve other alcohol that has been purchased by a licensed distributor or the ABC Board.

Brewery: As used in this document, any entity that is authorized to produce beer for commercial purposes.

Brewpub: In Alabama, a brewer licensed under Ch. 28-4A of the Alabama Code. Licensed brewpubs must operate a restaurant or otherwise provide food for consumption on the premises, may not produce more than 10,000 barrels, may not package in cans or bottles, and are strictly restricted by location. A unique privilege of a brewpub license is that it may serve other alcohol purchased from licensed wholesalers or the ABC Board for resale to the public.

Craft Brewer: A small, independent brewery that uses traditional ingredients. As defined by the Brewers Association, a craft brewer produces 6 million barrels of beer or less, uses traditional or innovative ingredients, and is less than 25 percent owned or controlled by an industry member that is not itself a craft brewer.

Direct Sale: A sale from the brewer directly to a consumer, usually at or adjacent to the licensed premises. Note that many states provide for direct sales by allowing breweries to obtain one or more retail-class licenses. A direct sale does not go through a distributor or third-party retailer.

Growler: A sealable and refillable container, typically containing 30 to 64 ounces, which is owned by the customer and used to purchase draft beer for off-premises consumption.

Off-Premises Sale: A sale for consumption off the premises, such as the sale of a six pack for home consumption.

On-Premises Sale: A sale for consumption on the premises, such as the sale of a pint at a bar.

Self-Distribution: A sale from the manufacturer of alcohol to a licensed retailer, without a third-party distributor. Note that many states provide for self-distribution by allowing breweries to obtain a distributor license.