

## BREWERY LAWS

- States vary widely in alcohol control laws: some are control states, meaning the government distributes one or more products directly (usually distilled spirits, sometimes also wine, sometimes any product above a certain alcohol by volume). Some states do not limit the number of licenses available by population, or only limit certain types. Some states only have local-level licensing, or dual licensing at the state and local level.
- In federal law, for tax purposes, a “small craft brewer” is defined as manufacturing 60,000 barrels or less annually. Several states also use this threshold to define a small producer. Alaska’s excise tax also includes a lower rate for craft brewers on the first 60,000 barrels produced and sold in state.

	Alaska	California	Colorado	Idaho
<i>Brewery License Rules</i>	Retail operations have limited hours, no bar seating, no entertainment, sales limits	Produce up to 60,000 barrels/year Can serve beer and wine if food is served	No production limit Can sell to retailers or public with wholesale + alternating premises licenses	Can only sell own products; no license-specific restriction on hours
<i>Brewpub License Rules</i>	Produce up to 15,000 barrels Up to 1,200 barrels sold to wholesalers	Produce between 100 and 5,000 barrels/year Must serve for onsite only, no self distribution	Separate licenses for onsite and offsite sales Produce up to 60,000 barrels/year	Can sell other brewery products; no license-specific restriction on hours
<i>Sample Sizes</i>	Free “small” samples, no ounce limit defined	Free samples, no limit	N/A not specified in statute, allowed	1.5 oz, must be in tasting area
<i>Retail Onsite Sales</i>	36 oz per person per day	No limit	Brewpub: Yes, at least 15% of on-premises food and drink income is from food	No limit
<i>Retail Offsite Sales</i>	5 gal per person per day	Small brewery: yes, no limit Brewpub: no offsite sales	Brewery: No offsite sales except with wholesale license Brewpub: Yes	Yes, must have production less than 30,000 barrels/year
<i>Self Distribution</i>	Yes: can sell direct to retail licenses	Brewery: Yes Brewpub: No	Brewery: Yes, with wholesale license Brewpub: No	Yes: can sell direct to retail licensees, if producing up to 30,000 barrels/year
<i>Population Limits or Limited Entry License System</i>	Yes, 1:3000 for most license types and 1:1500 for restaurants. Some types exempt.	Ratio for onsite sale license is 1:2000 persons in the county where premises are; offsite sale license 1:2500 persons. Beer + wine only licenses and offsite sale in combination can be 1:1250.	Number per community must be published by state license authority; determined by population; intended to prevent “Undue Concentration of Licenses” Ratio not defined in statute.	Retail licenses 1:1500, except very small communities with less than 1500 pop. may have up to two.
<i>Other Notes</i>		Brewery can also own package store license for offsite sales	Colorado also has a local licensing system	Can have retail at production site and “one remote retail site”

	Montana	Oregon	Texas	Washington	Wyoming
<i>Brewery License Rules</i>	Small brewery (up to 60,000 barrels) can have sample room	Can serve products for onsite or offsite	Can obtain retailer permit if produce up to 225,000 barrels/year	Microbrewery: production up to 60,000 barrels/year Domestic brewery: more than 60,000 barrels/year	Microbrewery, produce between 100 and 50,000 barrels/year
<i>Brewpub License Rules</i>	N/A	Can serve products for onsite or offsite Limited distribution, number of locations	With appropriate permits, can sell onsite or offsite. Produce up to 10,000 barrels/year.	Production between 250 gallons and 4,000 barrels	Microbrewery with restaurant license, no separate license type
<i>Sample Sizes</i>	Free or paid samples allowed, no ounce limit	Free or paid samples allowed, no ounce limit	Brewery: Must be via retailer, not directly Brewpub: Yes	Microbrewery: Yes, including at farmers markets Brewpub: No Sampling rules unclear in law, some situations it is clearly allowed	Yes, 1.5 oz per sample, 2 per person/day
<i>Retail Onsite Sales</i>	48 oz per person per day	Yes; no limit on brewery onsite sales	Brewery: Yes, with permit, sales up to 5,000 barrels per year Brewpub: Yes, no limit	Microbrewery: Yes, with restaurant or tavern license, no volume limit Brewpub: Yes, no limit; can sell up to 25% other products not made onsite	Yes, no limit
<i>Retail Offsite Sales</i>	Yes, no limit	2 gal containers brought by consumer (growlers) or 7+ gal keg	Brewery: Yes, with permit Brewpub: yes, no limit	Microbrewery: Yes Brewpub: No	Yes, up to 2,000 ounces per sale (can be combination of packages)
<i>Self Distribution</i>	Yes: Small brewery can distribute to retailers, up to 10,000 barrels/year	Breweries: No Brewpubs: Yes, with 7,500 barrels annual limit	Brewery: Yes with permit, production up to 125,000 barrels/year; self dist. sales up to 40,000 barrels. Brewpub: No	Brewery: Yes Brewpub: No	Yes, with wholesale permit
<i>Population Limits or Limited Entry License System</i>	Per city, bar: 5 for first 3000 population; 1 per 1500 addtl pop. Beer and wine: 4:2000 + 2:addtl 2000 + 1:addtl 2000.	None defined in law	None defined in law	Found references to population limits, but could not locate in law; may have different rules by license type	On retail liquor licenses (bars); restaurants not capped
<i>Other Notes</i>	10,000 barrel limit applies to self distribution and public sales	Retail operations can be separate, up to 2 locations		Endorsement to sell beer from microbrewery at a farmer's market	Local licensing only, with population limits set in state law