



Multistate Survey of Provisions Regulating the Manufacture and Sale of Beer and Malt Beverages at Microbreweries and Brewpubs

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Explanation of Table

The following table provides information regarding the regulation of the manufacture and sale of beer and malt beverages at microbreweries and brewpubs in 38 states, including Texas, selected for inclusion based on the following criteria. Because terms such as "microbrewery" and "brewpub" are not used in every state and are not defined uniformly among the states that use such terms, the table includes any beer or malt beverage manufacturer license with a specific limitation on the amount of product that may be manufactured in order to obtain or exercise certain privileges under a license. In some cases, the limitation on manufacturing is required to obtain a specific license or to exercise a privilege under a more general license. Twelve states (Connecticut, Iowa, Massachusetts, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia) do not regulate smaller beer and malt beverage manufacturers differently than larger manufacturers and are not included in the table.

The table is organized by state and provides, for each license, the type of manufacturer licensed by the state; the manufacturing limitation for the specific license or the privilege; the authority to sell at retail for off-premises consumption, on-premises consumption, or both; and the authority to sell to a wholesaler or licensed retailer. Although some provisions have been summarized for clarity and brevity, the full text of each provision may be viewed by clicking the citation link included with the information.

While most states regulate the production of a manufacturer based on barrels as the unit of measure, six states (Alaska, Arizona, Colorado, Illinois, Maine, and Mississippi) establish manufacturing limitations in terms of number of gallons. In the United States, a barrel as commonly defined when measuring a quantity of beer is a unit of measure equal to 31 U.S. gallons. For ease of comparison, the equivalent production limitation in barrels for these states has been calculated and included in the table. Florida regulates a manufacturer's production of malt beverages in terms of a keg, which is defined in Florida statute as 15.5 gallons. In this instance, the calculation is based on the barrel equivalent of a keg.

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State¹	Manufacturer License/Citation	Manufacturing Limitation²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
Alabama*	Brewpub Sec. 28-4A-3, Code of Alabama	Not to exceed 10,000 barrels of beer per year.	A brewpub licensee is authorized to sell beer brewed on the licensed premises in unpackaged form at retail for on-premises consumption at the licensed premises only. A brewpub must contain and operate a restaurant or otherwise provide food for on-premises consumption.	A brewpub licensee is authorized to sell beer brewed on the premises in original, unopened barrel or keg containers to any licensed wholesaler designated by the brewpub licensee as having exclusive sales territory for the product for resale to retail licensees.
Alaska	Brewpub Alaska Statutes 04.11.135(a) and (e)	Not to exceed 15,000 barrels (465,000 gallons per statute) of beer per calendar year.	A brewpub license authorizes a beverage dispensary licensee or a restaurant or eating place licensee to sell beer manufactured on the licensed premises for consumption on the licensed premises or other licensed premises of the licensee and to sell beer manufactured on the premises in quantities of not more than five gallons a day to an individual who is present on the licensed premises for off-premises consumption.	A brewpub license authorizes a beverage dispensary licensee to sell not more than 37,200 gallons (1,200 barrels) per calendar year of beer manufactured on the licensed premises to a person licensed as a wholesaler and, if the licensed premises are located in a community with a population of 75,000 or more, to sell not more than 6,200 gallons (200 barrels) in a calendar year of beer manufactured on the premises to a person with an alcoholic beverage license in Alaska or another state or country.

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Arizona	Domestic microbrewery Arizona Revised Statutes 4-205.08, Subsecs. C and D	Not less than 161.29 barrels (5,000 gallons per statute) and not more than 40,000 barrels (1,240,000 gallons per statute) of beer per calendar year.	A domestic microbrewery licensee is authorized to sell beer produced or manufactured on the licensed premises for on- or off-premises consumption. If retail operations are conducted in conjunction with the microbrewery, these retail operations must be conducted from the same site as the location of the microbrewery.	A domestic microbrewery licensee is authorized to make sales and deliveries of beer to certain persons licensed to sell beer in the state through licensed wholesalers and to persons licensed to sell beer in another state if lawful under the laws of that state. Such a licensee may also make sales and deliveries of beer that it has produced to retail licensees that are under common ownership with the microbrewery in any amount and to other licensed retailers in an amount not to exceed 93,000 gallons (3,000 barrels) in any calendar year.
Arkansas	Small brewery Arkansas Code Sec. 3-5-1405(a)(1) ³	Not more than 30,000 barrels of beer and malt beverages per year and no less than 35 percent of such beverages to be sold in the state.	A small brewery licensee is authorized to sell to the consumer for consumption on- or off-premises brand name products of the licensed facility and, if all sales occur in a wet territory and at the small brewery off-premises retail sites, to sell at retail by the drink or by the package beer produced on the premises of the small brewery or produced by another small brewery.	A small brewery licensee who also obtains a small brewery wholesale permit is authorized to sell and transport beer produced on the premises of the small brewery or of another small brewery to wholesale and retail license holders and small brewery license holders.
	Microbrewery-restaurant ⁴ Arkansas Code Sec. 3-5-1405(a)(2) ³	Not more than 5,000 barrels of beer and malt beverages per year.	A microbrewery-restaurant licensee is authorized to sell beer and malt beverages to a consumer for on- or off-premises consumption during all legal operating hours in which business is normally and legally conducted on the premises if the brewery provides tours through its facility and if only sealed containers are removed from the premises.	A microbrewery-restaurant licensee is authorized to sell to wholesale or retail dealers.

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California	Brewpub-restaurant California Business and Professions Code, Sec. 23396.3(a)	Not less than 100 barrels and not more than 5,000 barrels of beer per year.	A brewpub-restaurant licensee is authorized to sell beer produced by the licensee as well as other beer, wine, and distilled beverages for on-premises consumption. Such a license does not authorize the sale, furnishing, or exchange of any alcoholic beverages with any other brewpub-restaurant licensee or any retail licensee in California.	A brewpub-restaurant licensee is authorized to sell beer produced by the licensee to a licensed beer and wine wholesaler, subject to certain beer price posting and marketing regulations.
Colorado	Brew pub Secs. 12-47-103(4) and 12-47-415, Colorado Revised Statutes³	Not more than 60,000 barrels (1,860,000 gallons per statute) of malt liquors and fermented malt beverages per calendar year.	A brew pub licensee is authorized to furnish malt liquors or fermented malt beverages manufactured by the brew pub licensee on the licensed premises or alternating proprietor licensed premises for on-premises consumption or to sell such beverages to the public in sealed containers for off-premises consumption. A licensee may sell alcoholic beverages for on-premises consumption only if at least 15 percent of the gross on-premises food and drink income of the business is from the sale of food.	A brew pub licensee is authorized to sell to independent wholesalers for distribution to licensed retailers and may also sell at wholesale to licensed retailers in an amount up to 9,677.42 barrels (300,000 gallons per statute) of malt liquors or fermented malt beverages per calendar year.

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Delaware	Brewery-pub 4 Delaware Code, Sec. 512B	Not more than 4,000 barrels of beer per calendar year.	A brewery-pub licensee is authorized to sell at the licensed premises beer manufactured on the licensed premises for on- or off-premises consumption. A brewery-pub must be situated on the premises of or be physically a part of a restaurant. It is unlawful for a person to operate a brewery-pub if the restaurant portion of the licensed establishment fails to offer complete meals for consideration to patrons or fails to operate as a bona fide restaurant as defined by state law or regulation.	A brewery-pub licensee is authorized to sell beer manufactured on the licensed premises in labeled barrels, bottles, or other closed containers to licensed wholesalers for delivery by them to persons inside or outside of Delaware.
	Microbrewery 4 Delaware Code, Sec. 512C	Not more than 2 million barrels of beer, mead, and cider or a combination thereof manufactured per calendar year. ⁵	A microbrewery licensee is authorized to sell at the licensed premises beer, mead, and cider manufactured on the premises for on- or off-premises consumption. The amount sold for off-premises consumption is limited to a maximum of five cases per day to each retail customer. All beer, mead, and cider sold by a licensee for off-premises consumption must be in containers that are securely sealed and adequately labeled.	A microbrewery licensee is authorized to sell beer, mead, and cider manufactured on the licensed premises in labeled barrels, bottles, or other closed containers to licensed importers for delivery by them to persons inside or outside Delaware.

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Florida	Vendor with a license to manufacture malt beverages Sec. 561.221(3)(a), Florida Statutes	Not to exceed 5,000 barrels (10,000 kegs ⁶ per statute) of malt beverages per year.	A vendor licensed to sell or serve alcoholic beverages who obtains a license to manufacture malt beverages is authorized to sell malt beverages brewed by the licensee to consumers for consumption on the vendor's licensed premises or on contiguous licensed premises owned by the vendor.	No express provision regarding wholesale.
Georgia	Brewpub Sec. 3-5-36, Official Code of Georgia³	Not more than 5,000 barrels of beer per calendar year.	A brewpub licensee is authorized to manufacture beer solely for retail sale on the premises and solely in draft form and to operate an eating establishment as the sole retail outlet for such beer. A brewpub license does not authorize the holder of such license to sell alcoholic beverages by the package for off-premises consumption.	A brewpub licensee is authorized to sell up to a maximum of 500 barrels annually of beer manufactured by the licensee to licensed wholesale dealers for distribution to retailers and retail consumption dealers.
Hawaii	Brewpub Sec. 281-31(n), Hawaii Revised Statutes	Not more than 30,000 barrels of malt beverages per license year.	A brewpub licensee is authorized to sell malt beverages manufactured on the licensee's premises for on-premises consumption; to sell such beverages to consumers in brewery-sealed kegs and growlers ⁷ for off-premises consumption; and to sell such beverages in recyclable containers provided by the licensee or the consumer that do not exceed one gallon per container and are securely sealed on the licensee's premises to consumers for off-premises consumption.	A brewpub licensee is authorized to sell malt beverages manufactured by the licensee in brewery-sealed packages to wholesale dealer licensees under conditions imposed by a county by ordinance or rule and to sell in brewery-sealed containers directly to licensed restaurants, wholesale dealers, retail dealers, dispensers, clubs, transient vessels, tour or cruise vessels, cabarets, hotels, caterers, brewpubs, condominium hotels, other special licensees, and consumers under conditions imposed by county regulations governing manufacturer licensees and wholesale dealer licensees.

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Idaho*	Brewer's retail beer Secs. 23-1003(d) and (f), Idaho Code	Not more than 30,000 barrels of beer per year.	A brewer's retail beer licensee is authorized to sell at retail the products of the licensee's brewery at the licensed premises, one remote retail location, or both.	A brewer's retail beer licensee must be licensed as a wholesaler for the sale of beer to retailers other than at the licensed brewery and one remote retail location.
	Brewer's pub Secs. 23-1003(e) and (f), Idaho Code	Not more than 30,000 barrels of beer per year.	A brewer's pub licensee is authorized to sell at retail the products of any brewery by the individual bottle, can, or glass at the licensed brewery, one remote retail location, or both.	A brewer's pub licensee must be licensed as a wholesaler for the sale of beer to retailers other than at the licensed brewery and one remote retail location.
Illinois	Craft brewer 235 Illinois Compiled Statutes 5/5-1(a) and 235 Illinois Compiled Statutes 5/3-12(a)(18)(A)	Not more than 15,000 barrels (465,000 gallons per statute) of beer per year.	No express provision for retail sale of the beer manufactured by the craft brewer licensee to individual consumers. ⁸	A craft brewer license authorizes a licensed brewer or a nonresident dealer to make sales and deliveries to distributors and importing distributors and, if the licensee is granted a self-distribution exemption from the Illinois Liquor Control Commission, to sell not more than 232,500 gallons (7,500 barrels) of the exemption holder's beer to retail licensees per year.

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Indiana	<p>Brewery that manufactures not more than 30,000 barrels of beer in a calendar year</p> <p>Indiana Code 7.1-3-2-2 and Indiana Code 7.1-3-2-7</p>	<p>Not more than 30,000 barrels of beer per calendar year.</p>	<p>A brewer permittee that manufactures 30,000 barrels or less per calendar year may hold a beer retailer's permit, wine retailer's permit, or liquor retailer's permit for a restaurant of which the licensee is the proprietor and may transfer the beer directly from the brewery to the restaurant in bulk containers or through a continuous flow system. Such a licensee is authorized to sell the brewery's beer by the glass for on-premises consumption but must also furnish the minimum food requirements prescribed by the Indiana Alcohol and Tobacco Commission. Such a licensee may sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer in a quantity of not more than one-half barrel at any one time. The licensee may sell the brewery's beer for carryout on Sunday in a quantity of not more than 576 ounces. Such sales may be made only at the address for which the brewer's permit was issued.</p>	<p>A brewer permittee that manufactures 30,000 barrels or less per calendar year is authorized to sell and deliver beer to a person holding a state-issued beer wholesaler, retailer, or dealer permit.</p>
Kansas	<p>Microbrewery</p> <p>Kansas Statutes 41-308b(a)</p>	<p>Not less than 100 nor more than 15,000 barrels of domestic beer per license year.</p>	<p>A microbrewery licensee is authorized to sell beer manufactured by the licensee on the licensed premises in the original unopened container to consumers for off-premises consumption.</p>	<p>A microbrewery licensee is authorized to sell beer manufactured by the licensee to beer distributors.</p>

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Kentucky	Microbrewery Kentucky Revised Statutes 243.157	Not to exceed 25,000 barrels of malt beverage in one year.	A microbrewery licensee is expressly authorized to hold retail drink and package licenses both on and off the premises of the microbrewery, which authorize the sale of such beverages at retail by the drink for on-premises consumption or in unbroken packages for off-premises consumption, respectively. A microbrewery licensee also may hold a malt beverage retailer's license, which authorizes the licensee to sell malt beverages at retail from the licensed premises both by the drink for on-premises consumption and in packages for off-premises consumption. ⁹	A microbrewery licensee is authorized to sell malt beverages produced on the premises of the microbrewery to licensed distributors.
Louisiana	Microbrewery Louisiana Revised Statutes 26:271.1	Not to exceed 12,500 barrels of beer and other malt beverages per licensed year.	A microbrewery licensee who has been issued a Retailer, Class A permit is authorized to sell the beer and other malt beverages manufactured by the licensee at retail for on- or off-premises consumption.	A microbrewery licensee is not authorized to sell manufactured beverages at wholesale.

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Maine*	Small brewery Maine Revised Statutes, Title 28-A, Sec. 1355, Subsecs. 2 and 2-B	Not to exceed 1,612.90 barrels (50,000 gallons per statute) per year.	A small brewery licensee is authorized to sell, on the premises during regular business hours, malt liquor produced at the brewery by the bottle, by the case, or in bulk. A licensee may sell, from the establishment at the site of the brewery licensed for the sale of alcoholic beverages for on-premises consumption, malt liquor for off-premises consumption under the following conditions: only malt liquor brewed at the brewery where the on-premises establishment is licensed may be sold to patrons of the on-premises establishment; malt liquor must be dispensed in bottles from 32 to 64 ounces in volume provided by and unique to the brewery; no more than six bottles may be pre-filled at any one time; a deposit may be charged per bottle; the bottle in which the malt liquor is dispensed must be sealed by the licensee with a seal that is tamper evident; the malt liquor must be consumed off the premises; all sales of malt liquor from the on-premises establishment for off-premises consumption must be accompanied by a sales receipt with a time stamp that indicates time of purchase; and the sale of malt liquor from the on-premises establishment for off-premises consumption may not be made after 10 p.m.	A small brewery licensee is authorized to sell or deliver the product to licensed retailers and wholesalers. A licensee may sell, on the premises for consumption off the premises, malt liquor produced at the brewery by the bottle, case, or in bulk to licensed retailers, including, but not limited to, off-premise retail licensees, restaurants, and clubs.

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Maryland*	Micro-brewery Sec. 2-208, Art. 2B, Alcoholic Beverages ³	May not collectively brew, bottle, or contract for more than 22,500 barrels of malt beverages per calendar year.	A micro-brewery license authorizes certain alcoholic beverage licensees, each calendar year, to sell at retail up to 4,000 barrels of beer brewed under the license to customers for on-premises consumption.	A micro-brewery license authorizes certain alcoholic beverage licensees to sell and deliver beer brewed under the license to any wholesaler licensed to sell beer in Maryland or to any person who is located in another state who is authorized under the laws of that state to receive brewed beverages. The licensee is prohibited, however, from being granted a wholesale alcoholic beverage license.
	Pub-brewery Sec. 2-207, Art. 2B, Alcoholic Beverages ³	Not more than 2,000 barrels of malt beverage per calendar year.	A pub-brewery license authorizes the holder of certain Class B beer, wine, and liquor licenses that are issued for use on the premises of a restaurant to sell malt beverages for off-premises consumption in sealed refillable containers that may be returned and at the time of refill must be sealed by the pub-brewery licensee.	A pub-brewery licensee may not sell malt beverages to any retail alcoholic beverages licensee for the purpose of a subsequent sale or distribution of that malt beverage under the retail license.

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Michigan*	Brewpub Secs. 436.1105(12), 436.1405, and 436.1407, Michigan Compiled Laws	Not more than 5,000 barrels of beer per calendar year.	A brewpub license authorizes the holder of an on-premises retail license, tavern license, or certain hotel licenses to sell at those licensed premises beer manufactured by the licensee for consumption on or off the licensed brewery premises. The brewpub licensee must be licensed as a food service establishment and derive not less than 25 percent of its gross sales from the sale of food and nonalcoholic beverages.	A brewpub licensee is not authorized to sell its beer to other retailers or wholesalers.
	Micro brewer Sec. 436.1109(3), Michigan Compiled Laws	Not more than 30,000 barrels of beer per year.	A micro brewer licensee is authorized to sell beer manufactured by the licensee to consumers at the licensed brewery premises for on- or off-premises consumption.	A micro brewer licensee is authorized to sell beer manufactured by the licensee to licensed Michigan wholesalers.

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Minnesota	Brewer taproom Minnesota Statutes, Sec. 340A.301, Subds. 1 and 6b	Not more than 250,000 barrels of malt liquor per year.	A municipality may issue to a licensed brewer a brewer taproom license, which authorizes certain brewer licensees to sell malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer.	A licensed brewer, in general, is authorized to sell the brewer's products at wholesale only if the brewer has been issued a wholesaler's license.
	On-sale intoxicating liquor license or 3.2 percent malt liquor license Minnesota Statutes, Sec. 340A.301, Subd. 7(b)	Not more than 3,500 barrels of malt liquor in a year.	Certain brewers that manufacture fewer than 3,500 barrels of malt liquor in a year at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in the place of manufacture. A brewer who manufactures fewer than 3,500 barrels of malt liquor per year, with or without such an on-sale license, may be issued a license by a municipality for off-sale of malt liquor produced and packaged on the licensed premises in a growler ¹⁰ or in 750 milliliter bottles. A brewer's total retail sales at on- or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels.	A licensed brewer, in general, is authorized to sell the brewer's products at wholesale only if the brewer has been issued a wholesaler's license.

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Mississippi*	Brewpub Secs. 67-3-22 and 27-71-301 , Mississippi Code ³	Not more than 1,300 barrels (40,300 gallons per statute) for a stand-alone restaurant and up to 3,193.5 barrels (99,000 gallons) of light wine or beer per calendar year for a restaurant operated by a hospitality operator, based on the number of guest rooms. ¹¹	A brewpub licensee is authorized to manufacture or brew light wine or beer for consumption exclusively on the premises of the brewpub. Beer manufactured by a licensee may not be sold away from the premises and may not be packaged in any form that it may be carried away from the premises. A licensee is required to offer for sale light wine or beer that is normally carried on the inventory of wholesalers or distributors of light wine and beer.	A brewpub licensee may not sell beer manufactured on the premises away from the premises and may not package such beer in any form that it may be carried away from the premises.
Missouri	Microbrewery Sec. 311.195 , Revised Statutes of Missouri	Not to exceed 10,000 barrels of beer per year.	A microbrewery licensee is authorized to obtain a license to sell intoxicating liquor by the drink at retail for consumption on the premises.	A microbrewery licensee is authorized to sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers in which the microbrewery licensee has no direct or indirect financial interest.

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Montana*	<p>Small brewery</p> <p>Sec. 16-3-213, Montana Code</p>	<p>Not less than 100 barrels nor more than 10,000 barrels of beer per year.</p>	<p>A small brewery licensee is authorized, at one location for each brewery license, to provide samples of beer that were brewed and fermented on the premises in a sample room located on the premises. The samples may be provided with or without charge between the hours of 10 a.m. and 8 p.m., and no more than 48 ounces of malt beverage may be sold or given to each individual customer during a business day.</p>	<p>A small brewery licensee is not prohibited from selling and delivering beer manufactured by the licensee, in original packages, at either wholesale or retail.</p>
	<p>Brewer that manufactures less than 60,000 barrels of beer per year.</p> <p>Sec. 16-3-214, Montana Code</p>	<p>Not more than 60,000 barrels of beer per year.</p>	<p>A brewer that manufactures less than 60,000 barrels of beer per year is authorized to sell and deliver beer from its storage depot or brewery to the public and provide its own products for on-premises consumption without charge or, if it is a small brewery, provide its own products at a sample room.</p>	<p>A brewer that manufactures less than 60,000 barrels of beer per year is authorized to sell and deliver beer from its storage depot or brewery to a wholesaler. Such a licensee may also sell and deliver beer to licensed retailers if the brewer uses the brewer's own equipment, trucks, and employees to deliver the beer and if individual deliveries, other than draught beer, are limited to the case equivalent of eight barrels a day to each licensed retailer and the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year.</p>

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Nebraska	Craft brewery operating a brewpub Secs. 53-103.05 and 53-123.14 , Nebraska Revised Statutes	Not more than 20,000 barrels of beer per year.	A craft brewery licensee that operates a brewpub, defined as any restaurant or hotel that manufactures not more than 20,000 barrels of beer per year on its premises, is authorized to sell beer at retail for on- or off-premises consumption, except that the sale of any beer other than beer manufactured by the licensee, wine, or alcoholic liquor by the drink for consumption on the craft brewery premises requires the appropriate retail license.	A craft brewery licensee that operates a brewpub is authorized to sell to beer wholesalers for sale and distribution to licensed retailers.
	Craft brewery operating a microbrewery Secs. 53-103.21 and 53-123.14 , Nebraska Revised Statutes	Not more than 20,000 barrels of beer per year.	A craft brewery licensee that operates a microbrewery, defined as any small brewery that produces not more than 20,000 barrels of beer per year, is authorized to sell beer at retail for on- or off-premises consumption, except that the sale of any beer other than beer manufactured by the licensee, wine, or alcoholic liquor by the drink for on-premises consumption requires the appropriate retail license.	A craft brewery licensee that operates a microbrewery is authorized to sell to beer wholesalers for sale and distribution to licensed retailers.

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Nevada	Brew pub Nevada Revised Statutes 597.230	In a county with a population of 700,000 or more, not to exceed 15,000 barrels of malt beverages per calendar year for all brew pubs operated by a licensee in that county. In a county with a population of less than 700,000, not to exceed 5,000 barrels per calendar year for all brew pubs operated by a licensee in that county.	A brew pub licensee is authorized to sell at retail malt beverages manufactured on or off the premises of the brew pub for on-premises consumption. A licensee may sell at retail, in packages sealed on the premises of the brew pub, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for off-premises consumption.	A brew pub licensee is authorized to sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license.

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New Hampshire*	Nano brewery New Hampshire Revised Statutes 178:12-a	Not to exceed 2,000 barrels per year.	A nano brewery licensee is authorized to sell at retail only beverages manufactured by the licensee. No beverage or liquor shall be served or consumed on the premises except that which is manufactured by the licensee and sales for consumption on the premises are limited to one four-ounce glass per label per person. Food and nonalcoholic beverages may be provided by a properly licensed third-party food vendor on or off the premises.	A nano brewery licensee is authorized to sell at wholesale only beverages manufactured by the licensee.
	Brew pub New Hampshire Revised Statutes 178:13	Not to exceed 2,500 barrels of beer per year.	A brew pub licensee is authorized to sell beer manufactured on the premises to individuals for on- and off-premises consumption. A brew pub must maintain a full-service restaurant and may subsequently serve beverages and liquor as permitted by certain on-premises beverage and liquor, cocktail lounge, and caterer licenses.	A brew pub licensee is authorized to sell beer manufactured on the premises to New Hampshire licensed retailers and wholesalers.

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New Jersey	Limited brewery Sec. 33:1-10, New Jersey Statutes	Not more than 300,000 barrels of malt alcoholic beverages per year.	No express provision for the retail sale of the malt alcoholic beverages manufactured by a limited brewery licensee to individual consumers.	A limited brewery licensee is authorized to sell and distribute malt alcoholic beverages produced by the licensee to wholesalers and retailers licensed in New Jersey and to sell and distribute such beverages to persons outside the state according to the laws governing such sale and distribution in that place.
	Restricted brewery Sec. 33:1-10, New Jersey Statutes	Not more than 3,000 barrels of malt alcoholic beverages per year.	A restricted brewery license, which may be issued only to a person or entity with identical ownership to an entity that holds a plenary retail consumption license, provided that the plenary retail consumption license is operated in conjunction with a licensed restaurant adjoining the licensed brewery premises, authorizes such licensee to sell or deliver malt alcoholic beverages produced by the licensee to that licensed restaurant premises.	No express provisions relating to wholesale.

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
New Mexico	<p>Small brewery</p> <p>Secs. 60-6A-22 and 60-6A-26.1, New Mexico Statutes</p>	<p>Not more than 200,000 barrels of beer per year.</p>	<p>A small brewery licensee is authorized to conduct beer tastings and sell for on- or off-premises consumption, but not for resale, beer produced and bottled by, or produced and packaged for, the licensee or produced and bottled by or for another New Mexico small brewer on the small brewer's premises. A licensee is authorized to conduct tastings and sell by the glass or in unbroken packages, but not for resale, beer produced and bottled by or for the licensee on the small brewer's premises at public celebrations with a small brewer's public celebration permit and to conduct tastings and sell by the glass or in unbroken packages for off-premises consumption, but not for resale, beer that is either produced and bottled by or for the licensee or produced and bottled by or for another New Mexico small brewer at no more than two other locations off the small brewer's premises with a small brewer's off-premises permit for each of those other locations.</p>	<p>A small brewery licensee is authorized to sell beer that is packaged by or for the licensee to a person holding a wholesaler's license or a small brewer's license.</p>

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
North Dakota	Microbrew pub Sec. 5-01-14, North Dakota Century Code	Not more than 10,000 barrels of malt beverages per year.	A microbrew pub licensee who obtains a brewer license and a retailer license is authorized to sell malt beverages manufactured on the licensed premises and sell alcoholic beverages regardless of source to consumers for on-premises consumption. Beer manufactured on the licensed premises and sold by a microbrew pub directly to the consumer for on- or off-premises consumption is subject to certain taxes. A licensee is entitled to sell beer manufactured on the premises for off-premises consumption, in brewery-sealed containers of not less than one-half gallon and not more than three gallons.	A microbrew pub licensee is not authorized to engage in any wholesaling activities. All sales and delivery of malt beverages to any other retail licensed premises may be made only through a wholesale malt beverage licensee.
Oklahoma	Low-point beer manufacturer Oklahoma Statutes Sec. 37-163.7, paras 1 and 3.c	Not more than 5,000 barrels of low-point beer per year for sale by the manufacturer/retailer directly to consumers.	A low-point beer manufacturer who obtains a retail dealer permit is authorized to sell low-point beer manufactured by the licensee for on- or off-premises consumption at any of the retail dealer's places of business or any other place owned and operated by an entity that has common owners with the licensed dealer, regardless of which place of business brews the beverage.	No express provisions relating to wholesale.

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
Oregon*	Brewery-public house Oregon Revised Statutes 471.200	Not more than 200,000 barrels of malt beverage annually for purposes of a full on-premises sales license and not more than 5,000 barrels of malt beverages in the preceding calendar year for the privilege of selling at wholesale.	A brewery-public house licensee is authorized to sell malt beverages manufactured on or off the licensed premises at retail for on- or off-premises consumption; to sell malt beverages in brewery-sealed packages at retail directly to the consumer for off-premises consumption; and to sell on the licensed premises at retail malt beverages manufactured on or off the licensed premises in unpasteurized or pasteurized form directly to the consumer for off-premises consumption, delivery of which may be made in a securely covered container supplied by the consumer. The Oregon Liquor Control Commission may not issue a full on-premise sales license, which authorizes the licensee to sell distilled liquor as well as malt beverages manufactured by the brewery-public house licensee, to a brewery-public house licensee if the licensee brews more than 200,000 barrels of malt beverages annually.	A brewery-public house licensee is authorized to sell malt beverages manufactured by the licensee to wholesale malt beverage and wine licensees. In any calendar year a brewery-public house licensee may sell at wholesale to licensees malt beverages produced by the brewery-public house licensee if the brewery-public house licensee produced 5,000 barrels or less of malt beverages in the immediately preceding calendar year.

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
South Carolina	Brewpub Secs. 61-4-1700, 61-4-1740, and 61-4-1760, South Carolina Code of Laws	Not to exceed 2,000 barrels of beer per year.	A brewpub permittee is authorized to sell beer on draft for consumption on the premises of the permittee's tavern, public house, restaurant, or hotel; in a sanitary container brought to the premises by the purchaser and filled at the tap by the permittee at the time of sale; and in bottles for consumption by the purchaser off the premises. A permittee also may serve food or otherwise be a qualified eating place, but this authority may not be construed to exempt a permittee or licensee from the requirement that food must be served in order for a license for the consumption of alcoholic liquors on the premises to be issued.	A brewpub permittee is prohibited from selling or shipping the beer produced on the permitted premises for sale in another location.
South Dakota	Malt beverage manufacturer Secs. 35-4-49 and 35-5-3.2, South Dakota Codified Laws	Not more than 5,000 barrels of malt beverage per year for purposes of holding on the premises an on-sale license, a malt beverage retailer's license, or an on-sale wine license.	A malt beverage manufacturer licensee is authorized to sell the malt beverages it manufactures to the public for on-premises consumption. A licensee who manufactures less than 5,000 barrels of malt beverage per year may hold an on-sale license, a malt beverage retailer's license, or an on-sale wine license.	A malt beverage manufacturer licensee is authorized to sell malt beverages to a licensed wholesaler of malt beverages, a licensed wholesaler of alcoholic beverages, or may sell such beverages for transportation in interstate commerce outside the state.

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
Texas	Brewpub Secs. 74.01 and 74.03, Alcoholic Beverage Code	Not to exceed 5,000 barrels of malt liquor, ale, or beer per year for each licensed brewpub.	A brewpub licensee who also holds a wine and beer retailer's permit, a mixed beverage permit, or a retail dealer's on-premise license is authorized to sell or offer without charge, on the premises of the brewpub, to ultimate consumers for on- or off-premises consumption, malt liquor, ale, or beer produced by the licensee, in or from a lawful container, to the extent the sales or offers are allowed under the brewpub's other permits or licenses, and to sell food on the premises of the licensee's breweries.	A brewpub licensee is prohibited from selling an alcoholic beverage for resale.
	Brewer Secs. 12.01 and 12.05, Alcoholic Beverage Code	No specified manufacturing limitation, except for certain brewers for purposes of authorized sales to specified licensees and permittees.	No provisions authorizing retail sale on or off the licensed premises. A brewer permittee is authorized to dispense ale and malt liquor manufactured by the permittee for consumption on the premises and conduct samplings of ale or malt liquor, including tastings, at a retailer's premises.	A brewer permittee is authorized to sell ale and malt liquor manufactured by the permittee only to wholesale permit holders in Texas or to qualified persons outside the state. A brewer permittee whose annual production of ale does not exceed, together with the annual production of beer by the holder of a manufacturer's license at the same premises, a total of 75,000 barrels may sell ale in its original containers to certain wholesaler and distributor permittees and to retailers.

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
<p>Texas (cont.)</p>	<p>Manufacturer</p> <p>Secs. 62.01 and 62.12, Alcoholic Beverage Code</p>	<p>No specified manufacturing limitation, except for certain manufacturers for purposes of authorized sales to specified licensees and permittees.</p>	<p>No provisions authorizing retail sale on or off the licensed premises. A manufacturer licensee may dispense beer for on-premises consumption and conduct samplings of beer, including tastings, at a retailer's premises.</p>	<p>A manufacturer licensee is authorized to distribute and sell in Texas beer manufactured by the licensee to the holders of general, local, and branch distributor's licenses and to qualified persons outside the state. A licensee whose annual production of beer in Texas does not exceed 75,000 barrels may sell beer produced under the license to general, branch, or local distributors, to local distributor permittees, to permittees or licensees authorized to sell to ultimate consumers, to private club registration permittees, to authorized outlets located on any installation of the national military establishment, or to qualified persons for shipment and consumption outside the state.</p>
<p>Utah*</p>	<p>Small brewery</p> <p>Sec. 32B-1-102 (100), Utah Code; Sec. 32B-11-503, Utah Code; and Utah Admin. Code R81-3-14</p>	<p>Not to exceed 60,000 barrels of beer, heavy beer, and flavored malt beverages per year.</p>	<p>A small brewery licensee that is also a type 5 package agency is authorized to sell at its manufacturing location the packaged beer, heavy beer, and flavored malt beverages it produces to the general public for off-premises consumption. Such a licensee may only sell products produced at the brewery and may not carry the products of other alcoholic beverage manufacturers.</p>	<p>A small brewery licensee is authorized to sell beer manufactured by the licensee to a retail licensee, an off-premise beer retailer, or an event permittee. A small brewery licensee must own, lease, or maintain and control a warehouse facility located in Utah for the storage of beer to be sold to such persons and may not sell beer to such persons unless the beer is manufactured by the licensee and is first placed in the licensee's warehouse facility.</p>

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
Washington	Microbrewery Sec. 66.24.244, Revised Code of Washington	Not to exceed 60,000 barrels of malt liquor per year.	A microbrewery licensee is authorized to act as a retailer for beer and strong beer of its own production and must comply with the applicable laws and rules relating to retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale. The Washington State Liquor Control Board may issue up to two retail licenses allowing a microbrewery to operate an on- or off-premises tavern, beer and/or wine restaurant, or spirits, beer, and wine restaurant. A licensee may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market.	A microbrewery licensee is authorized to act as a distributor for beer and strong beer of its own production and must comply with the applicable laws and rules relating to distributors, except that such a microbrewery may maintain one warehouse off the premises of the microbrewery for the distribution of beer provided that the warehouse has been approved by the Washington State Liquor Control Board.

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
Wisconsin	Brewer Secs. 125.29(3), (3m), and (6), Wisconsin Statutes	No specified manufacturing limitation, except for purposes of brewer authorization to sell to retail licensees.	A brewer licensee is authorized to sell fermented malt beverages that have been manufactured on the brewery premises or on other premises of the brewer for on-premises consumption by individuals at the brewery premises or an off-site retail outlet established by the brewer. A licensee may sell such fermented malt beverages in original unopened packages or containers for off-premises consumption by individuals if the sale occurs at the brewery premises or at an off-site retail outlet established by the brewer. A licensee may operate a restaurant on the brewery premises and at an off-site retail outlet established by the brewer.	A brewer licensee is authorized to sell, ship, transport, and deliver, in original unopened packages or containers, to wholesalers, from the brewery premises, fermented malt beverages that have been manufactured by the brewer on those premises or on other premises of the brewer. A licensee may not sell fermented malt beverages to a retail licensee, except that a brewer that manufactures no more than 300,000 barrels of fermented malt beverages in a calendar year from all locations may sell, ship, transport, and deliver to retailers, from the brewery premises, fermented malt beverages, in original unopened packages or containers, that have been manufactured on the brewery premises.

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State ¹	Manufacturer License/Citation	Manufacturing Limitation ²	Provisions Relating to Retail Sale	Provisions Relating to Wholesale
Wisconsin (cont.)	Brewpub Secs. 125.295(1) and (2), Wisconsin Statutes	Not to exceed 10,000 barrels of fermented malt beverages per calendar year by the permittee's brewpub group.	A brewpub permittee is authorized to sell alcohol beverages at retail on the brewpub premises in accordance with the terms of certain retail licenses and to package in refillable containers exceeding 24 ounces in volume, at the request of a customer and on brewpub premises, fermented malt beverages that have been manufactured on the premises. A permittee must operate a licensed restaurant on the premises and offer for sale, in addition to fermented malt beverages manufactured by the applicant, fermented malt beverages manufactured by a brewer other than the applicant and its brewpub group, which includes all premises for which the brewpub holds a permit.	A brewpub permittee is authorized to sell at wholesale, ship, transport, and deliver, in original unopened packages or containers, to wholesalers and retailers, from the brewpub premises, fermented malt beverages that have been manufactured on the premises or on other brewpub premises of the brewpub, except that sales and deliveries to retailers by a brewpub group may not exceed a total of 1,000 barrels of fermented malt beverages in any calendar year. Fermented malt beverages provided by a brewpub to any retail premises for which the brewpub group holds a retail license shall not be included in any calculation of the 1,000 barrel limitation.
Wyoming*	Microbrewery Wyoming Statutes 12-1-101(a)(xix), 12-2-201(a), and 12-4-412(a) and (b)³	Not less than 100 barrels and not more than 15,000 barrels of malt beverage per year.	A microbrewery permit, which is issued by a local licensing authority, authorizes the permittee to dispense malt beverages brewed by the permittee for on-premises consumption and limited off-premises personal consumption, not for retail sale, in packaging of bottles, cans, or packs of an aggregate volume not to exceed 2,000 ounces per sale. A local licensing authority also may authorize the permittee to sell other malt beverages for on-premises consumption when obtained through licensed wholesale malt beverage distributors.	The Wyoming Department of Revenue Liquor Division may grant to a microbrewery permittee a license authorizing the sale of malt beverages at wholesale.

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¹ The 11 states with an asterisk (*) are alcoholic beverage control states, or states that function as the sole wholesaler or retailer of some or all categories of alcoholic beverages rather than regulate the wholesaling or retailing of alcoholic beverages by private enterprises. Those states are Alabama, Idaho, Maine, Maryland, Michigan, Mississippi, Montana, New Hampshire, Oregon, Utah, and Wyoming. Maryland, though not generally considered a control state, is included because certain counties in the state control the wholesaling or retailing of some or all categories of alcoholic beverages.

² Twelve states (Connecticut, Iowa, Massachusetts, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia) do not regulate smaller beer and malt beverage manufacturers differently than larger manufacturers. These states have provisions relating only to beer manufacturers in general and are not included in the table.

³ A direct link to the applicable statute is not available for states that provide public access to statutes through a platform maintained by LexisNexis. In these cases, a link to the state's LexisNexis home page is provided, and the statute can be found by accepting the terms of use and browsing the table of contents.

⁴ [Arkansas Code Sec. 3-5-1204](#) also contains provisions regulating microbrewery-restaurant licenses. However, according to the Arkansas Alcoholic Beverage Commission, Sec. 3-5-1204 has been superseded in practice by [Arkansas Code Sec. 3-5-1405](#).

⁵ [4 Delaware Code, Sec. 512C\(c\)\(1\)](#), prohibits a microbrewery from manufacturing more than the maximum amount permitted by federal regulation to qualify for a reduced tax rate. [27 C.F.R. Section 25.152\(a\)\(2\)](#) prohibits a brewer from producing more than 2 million barrels of beer in a calendar year to be eligible for the reduced rate.

⁶ Defined in [Sec. 561.221\(3\)\(a\), Florida Statutes](#), as 15.5 gallons.

⁷ Defined in [Sec. 281-31\(n\), Hawaii Revised Statutes](#), as a glass container, not to exceed one half-gallon, that is securely sealed.

⁸ The regulatory scheme under [235 Illinois Compiled Statutes 5/5-1\(n\)](#) authorizes a person to hold simultaneously both a craft brewer license and a brew pub license, provided the craft brewer's location is separate from the brew pub's licensed premises. A brew pub license authorizes the licensee to manufacture beer on the licensed premises, but the limitation imposed on such a licensee is on the amount of beer sold or offered for sale at retail from the premises for off-premises consumption, not on the amount manufactured on the premises. A brew pub licensee is authorized to sell or offer for sale at retail for off-premises consumption not more than 50,000 gallons per year, which is one of the parameters of our survey.

⁹ See [Kentucky Revised Statutes 243.240, 243.250, and 243.280](#) for the respective sales authorizations granted by each of these other licenses. Authorization for a microbrewery licensee to hold retail drink and package licenses is expressly granted in the statute outlining the scope of a microbrewery license. Clarification regarding both the matter of a microbrewery licensee holding a malt beverage retailer's license and the scope of such a malt beverage retailer's license was provided via correspondence with the general counsel for the Kentucky Department of Alcoholic Beverage Control.

¹⁰ Defined in [Minnesota Statutes, Sec. 340A.301, Subd. 7\(b\)](#), as a 64-ounce container.

¹¹ [Sec. 67-3-22, Mississippi Code](#), sets the manufacturing limitation at 40,300 gallons for a stand-alone restaurant or restaurant operated by a hospitality operator with fewer than 50 guest rooms, 60,000 gallons for a restaurant operated by a hospitality operator with 50 or more but fewer than 500 guest rooms, 75,000 gallons for a restaurant operated by a hospitality operator with 500 or more but fewer than 1,000 guest rooms, and 99,000 gallons for a restaurant operated by a hospitality operator with 1,000 or more guest rooms.

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