

What is brew-on-premises?

Brew-on-premises (BOP) is a business that provides space and equipment to the public to brew and bottle their own beer. This may also happen at a licensed Montana brewery.

Owners of BOPs may:

- Furnish space, brewing equipment, ingredients, bottling supplies, and advice and expertise to customers.
- Furnish unfermented wort to BOP customers.
- Provide certain assistance to customers, such as:
 - Moving containers of beer between storage areas
 - Cleaning, maintenance, and repair of equipment
 - Climate and temperature control
 - Disposal of spent grains and wastes
 - Quality control (including laboratory analysis and tasting of beer for quality control purposes)

Owners of BOPs may not:

- Provide assistance to, or on behalf of, customers in the production, storage, or packaging of beer, such as:
 - Fermenting mash
 - Adding sugar, CO₂, or any other ingredients to beer
 - Filtering or bottling beer
 - Providing physical assistance in the production, tank transfer, racking, or the bottling or kegging of beer.
- Produce or provide non-taxed beer to customers or prospective customers for sampling purposes.

Licensed Montana Breweries that offer BOPs:

- All beer brewed by patrons is taxable, at the Federal and State level, to the brewery and must be included in the brewery's total production levels.
- Must abide by all Federal Regulations.

Individuals “Home Brewing” at BOPs:

(A person producing beer at a BOP must do so in accordance to 26 U.S.C. 5053(e) and TTB regulations 27 CFR 25.205 – 25.206):

- Adults may produce beer for personal or family use without payment of tax.
- Adults are defined as the age required for the purchase of beer in the locality of the BOP, which in Montana is 21.
- Adults may produce, without payment of tax, per household, up to 100 gallons per calendar year if there is one adult residing in the household, or 200 gallons of beer per year if there are two or more adults residing in the household.
- Adults who produce beer at a BOP may remove their beer for personal or family use, including use in organized affairs, exhibitions, or competitions (such as homemaker’s contests or tastings).
- Adults may collaborate with other adults in the production of beer at a BOP, provided they are not considered a corporation or an association.
- Adults may not produce beer for sale or offer their beer for sale.
- Adults using BOPs should note that owners and employees of BOPs are limited in the assistance they may provide to customers. It is the responsibility of BOP customers to carry out the activities that are required to brew, store, and package beer.
- Adults using BOPs may not consume produced beer beyond sampling for quality control on-site at the business. The final product must be removed from the BOP to drink at home.

16-3-201(2), MCA and 26 U.S.C. 5053(e) and TTB regulations 27 CFR 25.205 – 25.206

Federal Guidelines: ttb.gov/beer/beer-faqs

12.2021 (Please note that information in Department Communications may have been modified, superseded, or made obsolete by changes in federal or state law or the Administrative Rules of Montana. If you need to verify the current validity of any Department Communications, contact us.)