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Amendment to Section 2.53 Microbrewery-Restaurant and Separate Brewing Facility Application and Operations. Allowed.

- (A) Pursuant to Act 611 of 1991, as amended, a A microbrewery-restaurant operation is allowed to shall brew manufacture beer, containing not in excess of five percent (5%) alcohol by weight and to brew malt beverage products, or hard cider, and to may sell the same, or products produced at the permittee's separate brewing facility, at a restaurant as defined in the Act, for consumption on or off the premises. The microbrewery portion of the microbrewery-restaurant permitted operation (hereinafter "permitted business") shall be separated from the restaurant portion of the permitted business by a solid wall. The wall may be made of glass or other materials, but shall prevent direct access by the public patronizing the restaurant. If the operator of the permitted business does desire to allow members of the public to take a tour of the brewery, such tour shall only be conducted under the direct supervision of brewery personnel. Microbrewery-Restaurant permittees may store the manufactured beer, malt beverage, or hard cider and any other beer, malt beverage, or hard cider which the permittee may purchase from wholesalers and small brewers licensed by this state on the microbrewery-restaurant premises and on the premises of the one (1) separate brewing facility of the microbrewery-restaurant. Two (2) or more microbrewery-restaurants sharing ownership or a brewery of any size sharing common ownership with a microbrewery-restaurant shall be considered one (1) entity for the purposes of calculating barrel production and transportation of beer, malt beverage, or hard cider produced by one (1) entity among no more than three (3) microbrewery restaurant facilities of the one (1) entity.
- (B) A microbrewery-restaurant permittee may maintain one (1) separate brewing facility for production or storage of beer, malt beverage, or hard cider as needed to meet demand, except that each facility used by the microbrewery-restaurant permittee shall not in the aggregate produce more than forty-five thousand (45,000) barrels of beer, malt beverage, and hard cider per year.
- (C) A microbrewery restaurant permittee shall notify the Alcoholic Beverage Control of its intent to operate a separate brewing facility by providing the following documentation:
- 1) A completed Separate Brewing Facility application form;
 - 2) A floor plan of the proposed premises;
 - 3) At least four (4) photographs of the proposed premises, depicting the front, back, and sides of the building;
 - 4) Copies of any permits required by the Alcohol and Tobacco Tax and Trade Bureau for production at the location, if applicable; and
 - 5) Certification that the proposed facility is in compliance with any local zoning requirements for the location.
- Upon receipt of the required documentation, the Alcoholic Beverage Control shall issue an endorsement to the microbrewery restaurant permittee. The endorsement shall be posted on the premises in compliance with the specifications set forth in Section 1.37.