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Sixty-first
Legislative Assembly
of North Dakota

Introduced by

Finance and Taxation Committee

(At the request of the Office of State Tax Commissioner)

1 A BILL for an Act to amend and reenact section 5-01-14 of the North Dakota Century Code,
2 relating to the annual sales report filing date for microbrew pubs.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 5-01-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **5-01-14. Microbrew pubs - Licensing - Taxes.** A microbrew pub shall obtain a
7 brewer license and a retailer license as required under this title. A microbrew pub may
8 manufacture on the licensed premises, store, transport, sell to wholesale malt beverage
9 licensees, and export no more than ten thousand barrels of malt beverages annually; sell malt
10 beverages manufactured on the licensed premises; and sell alcoholic beverages regardless of
11 source to consumers for consumption on the microbrew pub's licensed premises. A microbrew
12 pub may not engage in any wholesaling activities. All sales and delivery of malt beverages to
13 any other retail licensed premises may be made only through a wholesale malt beverage
14 licensee. Beer manufactured on the licensed premises and sold by a microbrew pub directly to
15 the consumer for consumption on or off the premises is subject to the taxes imposed pursuant
16 to section 5-03-07, in addition to any other taxes imposed on brewers and retailers. A
17 microbrew pub shall file an annual report with the tax commissioner by January fifteenth of each
18 year, in the form and manner as prescribed by the tax commissioner. A microbrew pub is not
19 precluded from retailing beer it purchases from a wholesaler. Complimentary samples of beer
20 may not be in an amount exceeding sixteen ounces [.47 liter] per patron. Licenses under this
21 section entitle the microbrew pub to sell beer manufactured on the premises for offpremises
22 consumption, in brewery-sealed containers of not less than one-half gallon [1.89 liters] and not
23 more than three gallons [11.36 liters]. This section may not be superseded under chapters
24 11-09.1 and 40-05.1.