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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/3R

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04/14/2015 11:06 AM

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Senator Latvala moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (4) of section
402.82, Florida Statutes, is amended to read:

402.82 Electronic benefits transfer program.—

(4) Use or acceptance of an electronic benefits transfer
card is prohibited at the following locations or for the
following activities:

(a) The purchase of an alcoholic beverage as defined in s.



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12 561.01 and sold pursuant to the Beverage Law ~~An establishment~~
13 ~~licensed under the Beverage Law to sell distilled spirits as a~~
14 ~~vendor and restricted as to the types of products that can be~~
15 ~~sold under ss. 565.04 and 565.045 or a bottle club as defined in~~
16 ~~s. 561.01.~~

17 Section 2. Subsection (2) of section 561.221, Florida
18 Statutes, is amended to read:

19 561.221 Licensing of manufacturers and distributors as
20 vendors and of vendors as manufacturers; conditions and
21 limitations.-

22 (2) (a) Notwithstanding s. 561.22, 561.42, or any other
23 provision of the Beverage Law, the division is authorized to
24 issue vendor's licenses to a manufacturer of malt beverages,
25 even if such manufacturer is also licensed as a distributor, for
26 the sale of alcoholic beverages on property consisting of a
27 single complex, which property shall include a brewery ~~and such~~
28 ~~other structures which promote the brewery and the tourist~~
29 ~~industry of the state.~~ However, such property may be divided by
30 no more than one public street or highway.

31 (b) The licensed vendor premises shall be included on the
32 sketch or diagram defining the licensed premises submitted with
33 the manufacturer's license application pursuant to s.
34 561.01(11). All sketch or diagram revisions by the manufacturer
35 must be approved by the division, verifying that the vendor
36 premises operated by the licensed manufacturer is owned or
37 leased by the manufacturer and is located on the licensed
38 manufacturing premises.

39 (c) Notwithstanding any other provision of the Beverage
40 Law, a manufacturer holding multiple manufacturing licenses may



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41 transfer malt beverages to a licensed facility, as provided in s.
42 563.022(14)(d), in an amount up to the yearly production amount
43 at the receiving facility. Malt beverages and other alcoholic
44 beverages manufactured by another licensed manufacturer,
45 including any malt beverages that are owned in whole or in part
46 by the manufacturer but are brewed by another manufacturer, must
47 be obtained through a licensed distributor that is not also a
48 licensed manufacturer, a licensed broker or sales agent, or a
49 licensed importer.

50 (d) A manufacturer possessing a vendor's license under this
51 subsection is not permitted to make deliveries under s.
52 561.57(1).

53 (e) The division is authorized to issue up to eight
54 vendor's licenses to a manufacturer of malt beverages pursuant
55 to this subsection.

56 Section 3. Subsection (14) of section 561.42, Florida
57 Statutes, is amended to read:

58 561.42 Tied house evil; financial aid and assistance to
59 vendor by manufacturer, distributor, importer, primary American
60 source of supply, brand owner or registrant, or any broker,
61 sales agent, or sales person thereof, prohibited; procedure for
62 enforcement; exception.—

63 (14) The division shall adopt reasonable rules governing
64 promotional displays and advertising, which rules shall not
65 conflict with or be more stringent than the federal regulations
66 pertaining to such promotional displays and advertising
67 furnished to vendors by distributors, manufacturers, importers,
68 primary American sources of supply, or brand owners or
69 registrants, or any ~~broker,~~ sales agent, or sales person



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70 thereof; however:

71 (a) If a manufacturer, distributor, importer, brand owner,
72 or brand registrant of malt beverage, or any ~~broker,~~ sales
73 agent, or sales person thereof, provides a vendor with
74 expendable retailer advertising specialties such as trays,
75 coasters, mats, menu cards, napkins, cups, glasses,
76 thermometers, and the like, such items may ~~shall~~ be sold only at
77 a price not less than the actual cost to the industry member who
78 initially purchased them, without limitation in total dollar
79 value of such items sold to a vendor.

80 (b) Without limitation in total dollar value of such items
81 provided to a vendor, a manufacturer, distributor, importer,
82 brand owner, or brand registrant of malt beverage, or any
83 ~~broker,~~ sales agent, or sales person thereof, may rent, loan
84 without charge for an indefinite duration, or sell durable
85 retailer advertising specialties such as clocks, pool table
86 lights, and the like, which bear advertising matter.

87 (c) If a manufacturer, distributor, importer, brand owner,
88 or brand registrant of malt beverage, or any ~~broker,~~ sales
89 agent, or sales person thereof, provides a vendor with consumer
90 advertising specialties such as ashtrays, T-shirts, bottle
91 openers, shopping bags, and the like, such items may ~~shall~~ be
92 sold only at a price not less than the actual cost to the
93 industry member who initially purchased them, and ~~but~~ may be
94 sold without limitation in total value of such items sold to a
95 vendor.

96 (d) A manufacturer, distributor, importer, brand owner, or
97 brand registrant of malt beverage, or any ~~broker,~~ sales agent,
98 or sales person thereof, may provide consumer advertising



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99 specialties described in paragraph (c) to consumers on any
100 vendor's licensed premises.

101 ~~(c) Manufacturers, distributors, importers, brand owners,~~
102 ~~or brand registrants of beer, and any broker, sales agent, or~~
103 ~~sales person thereof, shall not conduct any sampling activities~~
104 ~~that include tasting of their product at a vendor's premises~~
105 ~~licensed for off-premises sales only.~~

106 ~~(e)-(f) A manufacturer~~ Manufacturers, distributor
107 distributors, importer ~~importers, brand owner~~ owners, or brand
108 registrant ~~registrants of malt beverages~~ beer, and any ~~broker,~~
109 sales agent, or sales person thereof or contracted third-party,
110 may shall not engage in cooperative advertising with a vendor
111 and may not name a vendor in any advertising for a malt beverage
112 tasting authorized under s. 563.09 ~~vendors.~~

113 ~~(f)-(g) A distributor~~ Distributors of malt beverages ~~beer~~
114 may sell to a vendor ~~vendors~~ draft equipment and tapping
115 accessories at a price not less than the cost to the industry
116 member who initially purchased them, except there is no required
117 charge, and the a distributor may exchange any parts that ~~which~~
118 are not compatible with a competitor's system and are necessary
119 to dispense the distributor's brands. A distributor of malt
120 beverages ~~beer~~ may furnish to a vendor at no charge replacement
121 parts of nominal intrinsic value, including, but not limited to,
122 washers, gaskets, tail pieces, hoses, hose connections, clamps,
123 plungers, and tap markers.

124 Section 4. Subsection (1) of section 561.5101, Florida
125 Statutes, is amended to read:

126 561.5101 Come-to-rest requirement; exceptions; penalties.-

127 (1) For purposes of inspection and tax-revenue control, all



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128 malt beverages, except those manufactured and sold by the same
129 licensee, pursuant to s. 561.221(2) or (3) ~~s. 561.221(3)~~, must
130 come to rest at the licensed premises of an alcoholic beverage
131 wholesaler in this state before being sold to a vendor by the
132 wholesaler. The prohibition contained in this subsection does
133 not apply to the shipment of malt beverages commonly known as
134 private labels. The prohibition contained in this subsection
135 shall not prevent a manufacturer from shipping malt beverages
136 for storage at a bonded warehouse facility, provided that such
137 malt beverages are distributed as provided in this subsection or
138 to an out-of-state entity.

139 Section 5. Subsections (3), (4), (5), and (6) of section
140 561.57, Florida Statutes, are amended to read:

141 561.57 Deliveries by licensees.—

142 (3) A licensed vendor may transport alcoholic beverage
143 purchases from a distributor's place of business to the vendor's
144 licensed premises or off-premises storage, if the vehicle used
145 to transport the alcoholic beverages is owned or leased by the
146 vendor or any person who has been disclosed on a license
147 application filed by the vendor and approved by the division ~~and~~
148 ~~a valid vehicle permit has been issued for such vehicle.~~ A
149 vehicle owned or leased by a person disclosed on a license
150 application filed by the vendor and approved by the division
151 under this subsection must be operated by such person when
152 transporting alcoholic beverage purchases from a distributor's
153 place of business to the vendor's licensed premises or off-
154 premises storage.

155 ~~(4) A vehicle permit may be obtained by a licensed vendor~~
156 ~~or any person authorized in subsection (3) upon application and~~



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157 ~~payment of a fee of \$5 per vehicle to the division. The~~
158 ~~signature of the person authorized in subsection (3) must be~~
159 ~~included on the vehicle permit application. Such permit remains~~
160 ~~valid and does not expire unless the vendor or any person~~
161 ~~authorized in subsection (3) disposes of his or her vehicle, or~~
162 ~~the vendor's alcoholic beverage license is transferred,~~
163 ~~anceled, not renewed, or is revoked by the division, whichever~~
164 ~~occurs first. The division shall cancel a vehicle permit issued~~
165 ~~to a vendor upon request from the vendor. The division shall~~
166 ~~cancel a vehicle permit issued to any person authorized in~~
167 ~~subsection (3) upon request from that person or the vendor. By~~
168 ~~acceptance of a vehicle permit, the vendor or any person~~
169 ~~authorized in subsection (3) agrees that such vehicle is always~~
170 ~~subject to inspection and search without a search warrant, for~~
171 ~~the purpose of ascertaining that all provisions of the alcoholic~~
172 ~~beverage laws are complied with, by authorized employees of the~~
173 ~~division and also by sheriffs, deputy sheriffs, and police~~
174 ~~officers during business hours or other times that the vehicle~~
175 ~~is being used to transport or deliver alcoholic beverages. A~~
176 ~~vehicle permit issued under this subsection and invoices or~~
177 ~~sales tickets for alcoholic beverages purchased and transported~~
178 ~~must be carried in the vehicle used by the vendor or any person~~
179 ~~authorized in subsection (3) when the vendor's alcoholic~~
180 ~~beverages are being transported or delivered.~~

181 (4)~~(5)~~ Nothing contained in this section shall prohibit
182 deliveries by the licensee from his or her permitted storage
183 area or deliveries by a distributor from the manufacturer to his
184 or her licensed premises; nor shall a pool buying agent be
185 prohibited from transporting pool purchases to the licensed



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186 premises of his or her members with the licensee's owned or
187 leased vehicles, and in such cases, ~~no vehicle permit shall be~~
188 ~~required in the transporting of such alcoholic beverages.~~ In
189 addition, a licensed salesperson of wine and spirits is
190 authorized to deliver alcoholic beverages in his or her vehicle
191 on behalf of the distributor ~~without having to obtain a vehicle~~
192 ~~permit.~~

193 (6) Common carriers ~~may are not required to have vehicle~~
194 ~~permits to transport alcoholic beverages.~~

195 Section 6. Subsections (2), (3), (4), and (5) of section
196 562.07, Florida Statutes, are amended to read:

197 562.07 Illegal transportation of beverages.—It is unlawful
198 for alcoholic beverages to be transported in quantities of more
199 than 12 bottles except as follows:

200 (2) In the owned or leased vehicles of licensed vendors or
201 any persons authorized in s. 561.57(3) transporting alcoholic
202 beverage purchases from the distributor's place of business to
203 the vendor's licensed place of business or off-premises storage
204 ~~and to which said vehicles are carrying a permit and invoices or~~
205 ~~sales tickets~~ for alcoholic beverages purchased and transported
206 as provided for in the alcoholic beverage law;

207 (3) By individuals who possess such beverages not for
208 resale within the state;

209 (4) By licensed manufacturers, distributors, or vendors
210 transporting ~~delivering~~ alcoholic beverages pursuant to s.
211 561.57 ~~away from their place of business in vehicles which are~~
212 ~~owned or leased by such licensees;~~ and

213 (5) By a vendor, distributor, pool buying agent, or
214 salesperson of wine and spirits as outlined in s. 561.57(4) ~~s.~~



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215 ~~561.57(5).~~

216 Section 7. Subsections (6) of section 562.34, Florida
217 Statutes, is created to read:

218 562.34 Containers; seizure and forfeiture.-

219 (6) Notwithstanding the provisions of this section, it
220 shall not be unlawful for any person to have in her or his
221 possession, custody, or control a growler as described in s.
222 563.06(7), either full or empty, or to transport such growler.

223 Section 8. Subsections (1) and (6) of section 563.06,
224 Florida Statutes, are amended to read and subsection (7) is
225 added to that section:

226 563.06 Malt beverages; imprint on individual container;
227 size of containers; exemptions.-

228 (1) ~~On and after October 1, 1959,~~ All taxable malt
229 beverages packaged in individual containers possessed by any
230 person in the state for the purpose of sale or resale in the
231 state, except operators of railroads, sleeping cars, steamships,
232 buses, and airplanes engaged in interstate commerce and licensed
233 under this section, shall have imprinted thereon in clearly
234 legible fashion by any permanent method the word "Florida" or
235 "FL" and no other state name or abbreviation of any state name
236 in not less than 8-point type. The word "Florida" or "FL" shall
237 appear first or last, if imprinted in conjunction with any
238 manufacturer's code. A facsimile of the imprinting and its
239 location as it will appear on the individual container shall be
240 submitted to the division for approval.

241 (6) With the exception of growlers as described in
242 subsection (7), all malt beverages packaged in individual
243 containers sold or offered for sale by vendors at retail in this



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244 state shall be in individual containers containing no more than
245 32 ounces of such malt beverages; ~~provided, however, that~~
246 nothing contained in this section shall affect malt beverages
247 packaged in bulk, ~~or~~ in kegs, or in barrels or in any individual
248 container containing 1 gallon or more of such malt beverage
249 regardless of individual container type.

250 (7) Notwithstanding any other provision of the Beverage
251 Law, a malt beverage may be packaged in a growler, which is an
252 individual container that holds 32, 64, or 128 ounces of such
253 malt beverage if it is filled at the point of sale.

254 (a) A growler may be filled or refilled by any of the
255 following:

256 1. A licensed manufacturer of malt beverages holding a
257 vendor's license under s. 561.221(2).

258 2. A vendor holding a quota license under s. 561.20(1) or
259 s. 565.02(1)(a) that authorizes the sale of malt beverages.

260 3. A vendor holding a license under s. 563.02(1)(b)-(f), s.
261 564.02(1)(b)-(f), or s. 565.02(1)(b)-(f), unless such license
262 restricts the sale of malt beverages to sale for consumption
263 only on the premises of such vendor.

264 (b) A growler must include an imprint or label that
265 provides information specifying the name of the manufacturer,
266 the brand, and the anticipated percentage of alcohol by volume
267 of the malt beverage. The container must have an unbroken seal
268 or be incapable of being immediately consumed.

269 (c) A licensee authorized to fill or refill growlers may
270 not use growlers for the purposes of distribution or sale
271 outside of the licensed manufacturing premises or licensed
272 vendor premises.



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273 (d) A person, firm, or corporation, including its agents,
274 officers, or employees, which violates subsection (7) commits a
275 misdemeanor of the first degree, punishable as provided in s.
276 775.082 or s. 775.083, and the license held by the person, firm,
277 or corporation, if any, is subject to revocation or suspension
278 by the division. A person, firm, or corporation, including its
279 agents, officers, or employees, which violates paragraph (b),
280 may be subject to a fine by the division of up to \$250.

281 Section 9. Section 563.09, Florida Statutes, is created to
282 read:

283 563.09 Malt beverage tastings by distributors and
284 manufacturers.—

285 (1) A manufacturer, distributor, or importer of malt
286 beverages, or any contracted third-party agent thereof, may
287 conduct sampling activities that include the tasting of malt
288 beverage products on:

289 (a) The licensed premises of a vendor authorized to sell
290 alcoholic beverages by the drink for consumption on premises; or

291 (b) The licensed premises of a vendor authorized to sell
292 alcoholic beverages only in sealed containers for consumption
293 off premises if:

294 1. The licensed premises is at an establishment with at
295 least 10,000 square feet of interior floor space exclusive of
296 storage space not open to the general public; or

297 2. The licensed premises is a package store licensed under
298 s. 565.02(1)(a).

299 (2) A malt beverage tasting conducted under this section
300 must be limited to and directed toward the general public of the
301 age of legal consumption.



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302 (3) For a malt beverage tasting conducted under this
303 section on the licensed premises of a vendor authorized to sell
304 alcoholic beverages for consumption on premises, each serving of
305 a malt beverage to be tasted must be provided to the consumer by
306 the drink in a tasting cup, glass, or other open container and
307 may not be provided by the package in an unopened can or bottle
308 or in any other sealed container.

309 (4) For a malt beverage tasting conducted under this
310 section on the licensed premises of a vendor authorized to sell
311 alcoholic beverages only in sealed containers for consumption
312 off premises, the tasting must be conducted in the interior of
313 the building constituting the vendor's licensed premises and
314 each serving of a malt beverage to be tasted must be provided to
315 the consumer in a tasting cup having a capacity of 3.5 ounces or
316 less.

317 (5) A manufacturer, distributor, or importer, or any
318 contracted third-party agent thereof, may not pay a vendor, and
319 a vendor may not accept, a fee or compensation of any kind,
320 including the provision of a malt beverage at no cost or at a
321 reduced cost, to authorize the conduct of a malt beverage
322 tasting under this section.

323 (6) (a) A manufacturer, distributor, or importer, or any
324 contracted third-party agent thereof, conducting a malt beverage
325 tasting under this section, must provide all of the beverages to
326 be tasted; must have paid all excise taxes on those beverages
327 which are required of the manufacturer or distributor; and must
328 return to the manufacturer's or distributor's inventory all of
329 the malt beverages provided for the tasting that remain
330 unconsumed after the tasting. More than one tasting may be held



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331 on the licensed premises each day, but only one manufacturer,
332 distributor, importer, or contracted third-party agent thereof,
333 may conduct a tasting on the premises at any one time.

334 (b) This subsection does not preclude a manufacturer,
335 distributor, or importer, or any contracted third-party agent
336 thereof, from buying the malt beverages that it provides for the
337 tasting from a vendor at no more than the retail price, but all
338 of the malt beverages so purchased and provided for the tasting
339 which remain unconsumed after the tasting must be removed from
340 the premises of the tasting and properly disposed of.

341 (7) A manufacturer, distributor, or importer of malt
342 beverages that contracts with a third-party agent to conduct a
343 malt beverage tasting under this section on its behalf is
344 responsible for any violation of this section by such agent.

345 (8) This section does not preclude a vendor from conducting
346 a malt beverage tasting on its licensed premises using malt
347 beverages from its own inventory.

348 (9) This section is supplemental to and does not supersede
349 any special act or ordinance.

350 (10) The division may, pursuant to ss. 561.08 and 561.11,
351 adopt rules to implement, administer, and enforce this section.

352 Section 10. Paragraphs (a) and (b) of subsection (1) of
353 section 565.03, Florida Statutes, are redesignated as paragraphs
354 (b) and (c), respectively, a new paragraph (a) is added to that
355 subsection, paragraph (c) of subsection (2) is amended, and
356 subsection (7) is added to that section, to read:

357 565.03 License fees; manufacturers, distributors, brokers,
358 sales agents, and importers of alcoholic beverages; vendor
359 licenses and fees; craft distilleries.-



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360 (1) As used in this section, the term:
361 (a) "Branded product" means any distilled spirits product
362 manufactured on site which requires a federal certificate and
363 label approval by the Federal Alcohol Administration Act or
364 federal regulations.
365 (2)
366 (c) A craft distillery licensed under this section may sell
367 to consumers, at its souvenir gift shop, branded products
368 ~~spirits~~ distilled on its premises in this state in factory-
369 sealed containers that are filled at the distillery for off-
370 premises consumption. Such sales are authorized only on private
371 property contiguous to the licensed distillery premises in this
372 state and included on the sketch or diagram defining the
373 licensed premises submitted with the distillery's license
374 application. All sketch or diagram revisions by the distillery
375 shall require the division's approval verifying that the
376 souvenir gift shop location operated by the licensed distillery
377 is owned or leased by the distillery and on property contiguous
378 to the distillery's production building in this state.
379 1. A craft distillery ~~or licensed distillery~~ may not sell
380 any factory-sealed individual containers of spirits except in
381 face-to-face sales transactions with consumers who are making a
382 purchase of no more than:
383 a. Two individual containers of each branded product;
384 b. Three individual containers of a single branded product
385 and up to one individual container of a second branded product;
386 or
387 c. Four individual containers of a single branded product.
388 2. Each container sold in face-to-face transactions with



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389 consumers must ~~two or fewer individual containers,~~ that comply
390 with the container limits in s. 565.10, per calendar year for
391 the consumer's personal use and not for resale and who are
392 present at the distillery's licensed premises in this state.

393 ~~3.1.~~ A craft distillery must report to the division within
394 5 days after it reaches the production limitations provided in
395 paragraph (1) (b) ~~(1) (a)~~. Any retail sales to consumers at the
396 craft distillery's licensed premises are prohibited beginning
397 the day after it reaches the production limitation.

398 ~~4.2.~~ A craft distillery may not ~~only~~ ship or, ~~arrange to~~
399 ship, ~~or deliver~~ any of its distilled spirits to consumers and
400 may sell and deliver only to consumers within the state in a
401 face-to-face transaction at the distillery property. However, a
402 craft distiller licensed under this section may ship, arrange to
403 ship, or deliver such spirits to manufacturers of distilled
404 spirits, wholesale distributors of distilled spirits, state or
405 federal bonded warehouses, and exporters.

406 ~~5.3.~~ Except as provided in subparagraph 6.4., it is
407 unlawful to transfer a distillery license for a distillery that
408 produces 75,000 or fewer gallons per calendar year of distilled
409 spirits on its premises or any ownership interest in such
410 license to an individual or entity that has a direct or indirect
411 ownership interest in any distillery licensed in this state;
412 another state, territory, or country; or by the United States
413 government to manufacture, blend, or rectify distilled spirits
414 for beverage purposes.

415 ~~6.4.~~ A craft distillery shall not have its ownership
416 affiliated with another distillery, unless such distillery
417 produces 75,000 or fewer gallons per calendar year of distilled



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418 spirits on each of its premises in this state or in another
419 state, territory, or country.

420 (7) Upon the request of a craft distillery licensed in this
421 state, the Department of Transportation shall install
422 directional signs for the craft distillery on the rights-of-way
423 of interstate highways and primary and secondary roads in
424 accordance with Florida's Highway Guide Sign Program as provided
425 in chapter 14-51, Florida Administrative Code. A craft
426 distillery licensed in this state that requests placement of a
427 directional sign through the department's permit process shall
428 pay all associated costs.

429 Section 11. This act shall take effect July 1, 2015.

430
431 ===== T I T L E A M E N D M E N T =====

432 And the title is amended as follows:

433 Delete everything before the enacting clause
434 and insert:

435 A bill to be entitled

436 An act relating to alcoholic beverages; amending
437 s. 402.82, F.S.; conforming provisions; prohibiting
438 electronic benefits transfer cards from being used or
439 accepted to purchase an alcoholic beverage; amending
440 s. 561.221, F.S.; providing requirements for a
441 licensed manufacturer of malt beverages to sell such
442 beverages directly to consumers; providing
443 requirements for a licensed manufacturer to obtain a
444 vendor's license; specifying circumstances under which
445 a manufacturer may sell alcoholic beverages under its
446 vendor's license; amending s. 561.42, F.S.; deleting a



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447 prohibition against certain entities conducting
448 tastings; revising requirements for promotional
449 displays and advertising; amending s. 561.5101, F.S.;
450 conforming a cross-reference; amending s. 561.57,
451 F.S.; revising restrictions on the vehicle required
452 for use by a vendor who transports alcoholic
453 beverages; modifying provisions related to vehicle
454 permits for vendors; amending s. 562.07, F.S.;
455 conforming provisions; amending s. 562.34, F.S.;
456 providing that possessing and transporting a growler
457 is lawful; amending s. 563.06, F.S.; conforming
458 provisions; providing for a malt beverage container
459 defined as a growler; providing requirements for
460 growlers; creating s. 563.09, F.S.; authorizing a
461 licensed manufacturer, distributor, or importer of
462 malt beverages to conduct a malt beverage tasting;
463 providing requirements and limitations; amending s.
464 565.03, F.S.; defining the term "branded product";
465 revising the limitation on the number of containers
466 that may be sold to consumers by craft distilleries;
467 applying such limitation to individual containers for
468 each branded product; prohibiting a craft distillery
469 from shipping or arranging to ship any of its
470 distilled spirits to consumers; limiting the sale and
471 delivery of distilled spirits; revising a restriction
472 on certain craft distillery ownership; requiring the
473 Department of Transportation to install certain
474 directional signs at specified locations upon the
475 request of a craft distillery licensed in this state;



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requiring the requesting craft distillery to pay
specified costs; providing an effective date.