



ADMINISTRATIVE RULES OF MONTANA

42.12.151 LIMITED ALL-BEVERAGES LICENSE FOR CONTINUING CARE RETIREMENT COMMUNITY – CAMPUS AND PREMISES SUITABILITY REQUIREMENTS AND CONDITIONS FOR OPERATING

- (1) The department shall determine the suitability of the campus and premises when a continuing care retirement community applies to obtain a limited all-beverage license provided in 16-4-315, MCA, changes the campus where the license will be operated, or makes alterations to the department-approved premises.
- (2) The continuing care retirement community campus and premises may be considered suitable only if:
 - (a) the applicant or licensee has possessory interest in the campus and licensed premises;
 - (b) the applicant or licensee has adequate control over the premises;
 - (c) no other license authorized under Title 16, MCA, will be operated concurrently at the premises;
 - (d) the campus is identified by a unique address;
 - (e) the sales, service, storage, and delivery of alcoholic beverages are done within the boundaries of the continuing care retirement community campus and in department-approved buildings and structures in compliance with 16-4-315, MCA, ARM 42.12.153, and this rule;
 - (f) building, health, and fire code approvals are obtained, as required by state or local law;
 - (g) the premises are located on regular police beats and can be properly policed by local authorities, which includes the premises being located on property to which law enforcement has unrestricted access;
 - (h) the premises are not located where a local government ordinance prohibits the sale of alcoholic beverages;
 - (i) the premises complies with the licensing restrictions provided in 16-3-306, MCA;
 - (j) there are no signs, posters, or advertisements displayed on the exterior of the premises that identify any brewer, beer importer, or wholesaler in any manner. This prohibition does not apply to temporary advertisements allowed under 16-3-244, MCA;
 - (k) a plat of the continuing care retirement community campus is submitted to the department that shows the campus boundaries and any buildings and structures used in the sales, service, delivery, and storage of alcoholic beverages, including any noncontiguous storage areas;

- (l) one or more floor plans are submitted that accurately state the dimensions of the premises, includes the applicant or licensee's name; alcoholic beverage license number, if applicable; physical address and date of application; and identifies dining areas, service locations, and any storage areas;
 - (m) the premises includes at least one service location but may have more than one, including portable bar or dispensing equipment, subject to department approval;
 - (n) alcoholic beverages will not be sold through a drive-up window;
 - (o) the physical layout and equipment utilized provide sufficient physical safeguards to prevent the self-service of alcoholic beverages at any drink preparation area; and
 - (p) vending machines are not used to serve alcoholic beverages, except for self-pour devices provided in 16-3-311(1), MCA, and ARM 42.13.1108.
- (3) The premises must meet and maintain compliance with all suitability standards in place at the time the premises was last approved by the department. The department may, at any time, verify that the premises remain in compliance with those suitability standards. Upon determining that the premises does not meet all applicable suitability standards, the department may deny an application or take administrative action against the licensee, including license revocation.
- (4) The licensee shall follow the process in ARM 42.13.106 for a premises alteration. Alterations to residential areas or other areas where alcoholic beverages are not sold or served from do not require approval from the department.
- (5) In addition to all other alcoholic beverage licensing requirements, a limited all-beverages continuing care retirement community licensee shall:
- (a) only purchase and possess on the premises liquor and fortified wine from an agency liquor store, beer from a beer wholesaler or brewery, and table wine from a table wine distributor or winery, except for alcoholic beverages obtained elsewhere by residents of the continuing care retirement community for consumption in residential areas;
 - (b) sell or serve alcoholic beverages only from approved drink preparation areas;
 - (c) prevent the sale or service of alcoholic beverages between 8 p.m. and 11 a.m.;
 - (d) prevent the consumption or possession of alcoholic beverages outside of residential areas between 2 a.m. and 11 a.m. by removing all alcoholic beverages from individuals' possession by 2 a.m.;
 - (e) prevent the consumption or possession of alcoholic beverages on the campus and premises by persons who are under 21 years of age, or actually, apparently, or obviously intoxicated, in accordance with 16-3-301, MCA; and
 - (f) prevent the on-premises consumption of alcoholic beverages not sold or provided at the premises except for alcoholic beverages obtained elsewhere by residents of the continuing care retirement community for consumption in residential areas.

Authorizing statute(s): 16-1-303, 16-4-315, MCA

Implementing statute(s): 16-3-244, 16-3-309, 16-3-311, 16-4-315, 16-4-402, 16-4-405, 16-6-303, MCA

History: NEW, 2020 MAR p. 497, Eff. 3/14/20; AMD, 2024 MAR p. 2303, Eff. 9/21/24; AMD, 2026 MAR, Notice No. 2025-304, Eff. 1/24/26.