



ADMINISTRATIVE RULES OF MONTANA



42.11.105 DEFINITIONS

The following definitions apply to subchapters 1, 2, and 4:

- (1) "Bailment" means the product at the state liquor warehouse that is owned by the vendor.
- (2) "Consumer advertising specialties" are items designed to be carried away by the consumer, including trading stamps, nonalcoholic mixers, pouring racks, ashtrays, bottle openers, cork screws, shopping bags, matches, pamphlets, pencils, shirts, caps, and visors.
- (3) "Discontinued product" means a product that is no longer available to the state.
- (4) "Point-of-sale advertising materials" are items designed to be used within a retail establishment to attract consumer attention to the product, including posters, placards, designs, inside signs, window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars, and alcoholic beverage menus.
- (5) "Primary packaging" means the container that holds the alcoholic beverage, including aluminum cans, glass bottles, and a box containing a plastic bladder or other soft flexible container.
- (6) "Product" means a liquor item, identified by a unique identification number or stock-keeping unit.
- (7) "Promote" means to undertake efforts with the intention of increasing sales or public awareness of a product or distiller, including soliciting product orders from agency liquor store agents and retail licensees, disseminating product information or promotional materials, and distributing product samples.
- (8) "Registered vendor representative" means an individual registered, as provided by these rules, to promote a vendor's product in Montana.
- (9) "Regular product" means product that:
 - (a) is among the highest-selling 1,300 products in the state based on case sales in the 12-month period prior to the department's quarterly review where sales are not erratic or based upon closeout or overstock;
 - (b) is available year-round; and
 - (c) has been in the state for at least six months prior to the review.
- (10) "Seasonal product" means a product that is only available during certain times of the year.
- (11) "Special order product" means a product that does not meet the criteria to be classified as a regular product.

- (12) "State liquor warehouse" means the designated building in Helena where product is received and stored and from which product is shipped to agency liquor stores.
- (13) "Vendor" means a party that sells product to the department and to which the department makes payment for product depleted from the vendor's bailment inventory held at the state liquor warehouse.
- (14) "Vendor permit" means a permit issued to a vendor entitling the vendor to promote its products in Montana through registered vendor representatives.

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

Implementing statute(s): 16-1-302, MCA

History: NEW, 2003 MAR p. 2899, Eff. 12/25/03; AMD, 2007 MAR p. 478, Eff. 4/13/07; AMD, 2011 MAR p. 451, Eff. 3/25/11; AMD, 2011 MAR p. 2296, Eff. 10/28/11; AMD, 2013 MAR p. 176, Eff. 2/1/13; AMD, 2014 MAR p. 2793, Eff. 11/7/14; AMD, 2015 MAR p. 2093, Eff. 11/26/15; AMD, 2020 MAR p. 1745, Eff. 9/26/20.