



ADMINISTRATIVE RULES OF MONTANA

42.12.147 OFF-PREMISES BEER AND TABLE WINE LICENSE - PREMISES SUITABILITY REQUIREMENTS

- (1) The department shall determine the suitability of the premises where an off-premises beer and table wine retailer proposes to operate a license when a party applies to obtain a license, transfer ownership interest in an existing license requiring the vetting of a new party pursuant to 16-4-401, MCA, change the location where a license will be operated, or make alterations to a premises with a floor plan that the department approved.
- (2) The premises of an off-premises beer and table wine retailer may be considered suitable only if:
 - (a) the applicant or licensee has possessory interest in the premises;
 - (b) the applicant or licensee has adequate control over the premises;
 - (c) a single alcoholic beverage license of any kind will be operated at the premises;
 - (d) the premises are identified by a unique address;
 - (e) the premises are located in one building or a specific portion of one building. The interior portion of the premises must comply with the requirements of 16-3-311(3), MCA. If the premises are located in a portion of a building, the premises must be separated by permanent floor-to-ceiling walls from any other licensed alcoholic beverage business. The only access from the premises to another licensed alcoholic beverage business may be through lockable doors in the permanent floor-to-ceiling wall;
 - (f) building, health, and fire code approval is obtained;
 - (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 are in a stand-alone beer and/or table wine business, a grocery store, or a drugstore licensed as a pharmacy;
 - (j) the type of business is readily determinable due to indoor and outdoor signage and the premises' general layout and atmosphere;
 - (k) alcoholic beverages are advertised and displayed as being available for purchase;
 - (l) there are no signs, posters, or advertisements displayed on the exterior portion 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;

- (m) there is interior access to any interior portion of the premises; and
 - (n) all storage areas are located in the interior portion of the premises, except as authorized in 16-3-311(6), MCA.
- (3) The premises must meet and maintain compliance with all suitability standards in place at the time the premises are inspected. The department may, at any time, verify that the premises remain in compliance with all suitability standards in place at the time the suitability of the premises was last determined. Upon determining that the premises do not meet all applicable suitability standards, the department may deny an application or take administrative action against a licensee, including license revocation.
- (4) The privileges granted under a license extend only to the premises depicted in the floor plan approved by the department. The licensee shall follow the process in ARM 42.13.106 for a premises alteration.

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

Implementing statute(s): 16-3-244, 16-3-309, 16-3-312, 16-4-115, 16-4-402, 16-4-405, MCA

History: NEW, 2017 MAR p. 493, Eff. 4/29/17; AMD, 2022 MAR p. 1932, Eff. 9/26/22; AMD, 2024 MAR p. 2303, Eff. 9/21/24.