



ADMINISTRATIVE RULES OF MONTANA



42.12.148 BEER WHOLESALER AND TABLE WINE DISTRIBUTOR - PREMISES SUITABILITY REQUIREMENTS

- (1) The department shall determine the suitability including any subwarehouse where a beer wholesaler and table wine distributor 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 a beer wholesaler and table wine distributor 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) building, health, and fire code approval is obtained;
 - (f) the premises are located in one building or a specific portion of one building. The interior portion of the premises must be a continuous area that is not broken by any area in which the applicant or licensee does not have adequate control, such as another business or a common area shared with other building tenants. 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;
 - (g) the premises include sufficient space for the storage and distribution of beer and/or table wine in large quantities;
 - (h) there is interior access to any interior portion of the premises; and
 - (i) all storage areas are located in the interior portion of the premises.
- (3) The premises may include more than one building for storage and distribution purposes only if the property on which the buildings are located is contiguous and the licensee has possessory interest in the property on which the buildings are located. To seek approval, the licensee shall submit a form provided by the department. All buildings on the premises are subject to suitability requirements in (2).
- (4) 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.

- (5) 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): 16-4-103, 16-4-108, 16-4-402, MCA

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