



ADMINISTRATIVE RULES OF MONTANA



42.12.149 WINERY, BREWERY, AND DISTILLERY - PREMISES SUITABILITY REQUIREMENTS

- (1) The department shall determine the suitability of the premises where an alcoholic beverage manufacturer proposes to operate a license, when a party applies to obtain a license, transfers ownership interest in an existing license requiring the vetting of a new party pursuant to 16-4-401, MCA, changes the location where a license will be operated, makes alterations to a premises with a floor plan that the department approved, or applies to operate as a colocated license. The requirements of this rule also apply to an alcoholic beverage manufacturer operating at a colocated premises.
- (2) The premises of a manufacturer 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 on the premises, except as authorized under an approved alternating proprietor arrangement;
 - (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, except that a patio/deck may extend the premises beyond the interior portion of the 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, except as provided in 16-3-311(8) and (9), MCA. The only access from the premises to another licensed alcoholic beverage business may be through lockable doors in the permanent floor-to-ceiling wall, except as provided in 16-3-311(8) and (9), MCA;
 - (g) there is interior access to any interior portion of the premises;
 - (h) all storage areas are located in the interior portion of the premises;
 - (i) access by unauthorized persons to manufacturing areas is restricted; and
 - (j) it is readily determinable that a manufacturer operates at the premises due to outdoor signage and the existence of the equipment necessary to undertake the activities for which the premises are licensed.
- (3) The premises may include more than one building for manufacturing purposes only if 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 and include verification that the Alcohol and Tobacco Tax and Trade Bureau approved the licensee's registration to operate any additional

building under the manufacturer's existing federal permit or notice. All buildings on the premises are subject to the suitability requirements in (2).

- (4) A domestic brewery, winery, or distillery may operate a warehouse anywhere in the state only if the warehouse is used exclusively for storage. To seek approval, the licensee shall submit a form provided by the department and include verification, if applicable, that the Alcohol and Tobacco Tax and Trade Bureau approved the licensee's registration to operate the warehouse. A licensee may seek approval for more than one warehouse. Each warehouse must have a separate storage depot license. All warehouses are subject to the suitability requirements in (2).
- (5) In addition to all other requirements, a manufacturer's premises with a sample room shall be considered suitable only if:
 - (a) there is a single contiguous sample room;
 - (b) the sample room is located in the interior portion of the premises;
 - (c) the sample room is not located in a storage warehouse;
 - (d) the sample room contains a drink preparation area. The premises may have more than one drink preparation area, including drink preparation areas on the patio/deck, subject to department approval;
 - (e) the physical layout and equipment utilized provide sufficient physical safeguards to prevent the self-service of alcoholic beverages at any drink preparation area; and
 - (f) except as provided in 16-3-311(1), MCA, and ARM 42.13.1108, self-service devices and vending machines are not used to serve alcoholic beverages.
- (6) A manufacturing premises with a sample room may have a patio/deck. The patio/deck will be considered suitable only if:
 - (a) building, health, and fire code approval is obtained;
 - (b) the patio/deck is contiguous with and immediately accessible from the sample room, except where the department approves a path connecting the sample room and the patio/deck. The use of a path may only be approved if the licensee holds possessory interest in the path, the path is clearly marked, and the department determines that sufficient physical safeguards are in place to ensure proper service and consumption of alcoholic beverages;
 - (c) a perimeter barrier clearly marks where the service and consumption of alcoholic beverages is allowed; and
 - (d) the physical layout and equipment prevent the self-service of alcoholic beverages. This includes a prohibition against the service of alcoholic beverages through self-service devices and vending machines. Reach-in coolers and open shelving are prohibited unless they are located in a drink preparation area and the department determines that sufficient physical safeguards are in place to prevent the self-service of alcoholic beverages.
- (7) A distillery premises may only include one sample room, regardless of the number of manufacturing buildings the licensee operates.
- (8) 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.

- (9) 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): 16-3-311, 16-3-411, 16-4-102, 16-4-312, 16-4-402, 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; AMD, 2026 MAR, Notice No. 2025-304, Eff. 1/24/26.