

Guide for retail alcoholic beverage licenses.

When a license application is received, one of the criteria before final approval is the licensed premises must meet suitability. Suitability is determined by the Alcoholic Beverage Control Division to make sure an alcoholic beverage business is licensed appropriately in accordance with Montana alcohol laws and rules.

Suitability Basics:

The following must be met for all retail alcoholic beverage license types:

- You must have possessory interest in the premises (lease or own the area).
- You must have adequate control over the premises (know what is going on in the area).
- A single alcoholic beverage license of any kind will be operated at your premises (one license per address).
- Your premises must have a unique address not shared by another business (suite numbers are acceptable).
- Your premises must be located in one building or a specific portion of one building.
- The interior portion of your 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 a hallway or other business or common area shared with other tenants.
- If you share space in a building, your business must be separated by permanent floor-to-ceiling walls from any other business. However, an on-premises consumption retailer may be located adjacent to a brewery or winery if the licensees are able to maintain control of their respective premises through adequate physical separation*.
- Manufacturer licensees may not have direct “tap lines” from a manufacturing premises to a licensed retail premises.
- You may have access from the premises to another business through a single lockable door, no more than six feet wide. You may have more lockable doors only upon department approval.
- You must have your local building, health, and fire officials inspect and give ABCD their approval for your premises.
- You must arrange to have a Montana Department of Justice Investigator inspect and give ABCD their approval for your premises.
- The premises must be located on regular police beats and must be properly policed by local authorities.

- The premises may not be located where a local government ordinance prohibits the sale of alcoholic beverages.
- The type of business must be readily determinable by indoor and outdoor signage and the premises' general layout and atmosphere. It must be clear to the public that alcoholic beverages are sold at your location and what type of alcoholic beverage license is operating at the location.
- Alcoholic beverages are advertised and displayed as being available for purchase.
- You may not have signs, posters, or advertisements displayed on the exterior portion of the premises that identify any brewer, beer importer, or wholesaler in any manner (except temporary advertisement signs) or on the exterior portion or buildings adjacent to the premises if the retailer has possessory interest in the building.
- You may sell alcoholic beverages through a drive-up window and curbside for off-premises consumption during normal business hours and within 300 feet of the licensed premises. For RBW licensees, food must also be ordered, the beer or wine must be stated on the food bill, and the food sales must count toward the 65% limit as provided in this section.
- You may sell prepared servings** of alcoholic beverages for off-premises consumption.
- Storage of alcohol (effective July 1, 2021):
 - Does not need to be connected to the service area.
 - Onsite storage must be part of the premises.
 - Licensee must show there are adequate safeguards to prevent public access to alcoholic beverage storage area after hours with:
 - A lockable door
 - Other security features such as:
 - Rolling gates
 - Locking cabinets
 - Tap locks
 - Key card access

A licensee who wishes to add this to their current floor plan must apply to the Department for a new noncontiguous approved storage area.

- Application fee is \$100.

Suitability Specific to On-Premises All-Beverage/Beer Licenses:

In addition to the Suitability Basics above, the following must be met for on-premises all-beverage/beer license types:

- Your premises must be either solely dedicated to the on-premises consumption of alcoholic beverages or be within a business directly related to the on-premises consumption of alcoholic beverages, such as a hotel, bowling alley, casino, or restaurant.
- Your floor plan must include:
 - Entity name
 - Alcoholic beverage license number (if issued yet)
 - Physical address of premises
 - Date
 - Accurate dimensions
 - Any service areas, seats, stationary drink preparation areas, storage areas, patio/deck (if applicable), perimeter barrier (if applicable), and permanent floor-to-ceiling wall required between the premises and another business (if applicable).
- A portion of a building may be used for an on-premises consumption license if:
 - The licensee shows there is adequate control over all alcoholic beverages to prevent self-service, service to underage and service to intoxicated persons.
 - The premises is separated by permanent walls but may have inside access to the rest of the building at all times.
 - The licensee must prevent public access to alcoholic beverages after hours.
 - Premises must be a continuous area and may include:
 - Multiple floors
 - Common areas
 - Private dwellings

To achieve a continuous area, a licensee may include the following, but is not limited to:

- Entryways
- Stairways
- Elevators

- You may have a patio or deck that extends from the interior portion of the premises, if it is contiguous with and immediately accessible from the interior premises (may have a clearly marked path to the patio or deck) with a perimeter barrier. You must clearly mark where the service and consumption of alcoholic beverages are allowed. Premises may include more exterior patios or decks:
 - Sufficient safeguards must be in place.
 - Perimeter barrier may not be required if the existing boundary naturally defines the outdoor area impeding foot traffic.
- You must prevent the self-service of alcoholic beverages at any drink preparation area.
- No self-service devices and vending machines may be used to serve alcoholic beverages.
- All-alcoholic beverage/beer licenses may not be within 600 feet of, and on the same street as, a church or school; however, the transfer of ownership of existing licenses and local government supplanting the provision of this section of the law are allowed.

Suitability Specific to On-Premises Restaurant Beer and Wine (RBW) Licenses:

In addition to the Suitability Basics above, the following must be met for on-premises RBW license types:

- Your floor plan must include:
 - Entity name
 - Alcoholic beverage license number (if issued yet)
 - Physical address of premises
 - Date
 - Accurate dimensions
 - Any service areas, service bars, dining rooms, kitchens, storage areas, patios/decks (if applicable), perimeter barriers (if applicable), and permanent floor-to-ceiling walls required between the premises and another business (if applicable).
- A portion of a building may be used for an on-premises consumption license if:
 - The licensee shows there is adequate control over all alcoholic beverages to prevent self-service, service to underage and service to intoxicated persons.
 - The premises is separated by permanent walls but may have inside access to the rest of the building at all times.
 - The licensee must prevent public access to alcoholic beverages after hours.

- Premises must be a continuous area including: (possessory interest – sole control)
 - Multiple floors
 - Common areas
 - Private dwellings

To achieve a continuous area a licensee may include the following, but is not limited to:

- Entryways
 - Stairways
 - Elevators
- You may have a patio or deck that extends from the interior portion of the premises, if it is contiguous with and immediately accessible from the interior premises (may have a clearly marked path to the patio or deck) with a perimeter barrier. You must clearly mark where the service and consumption of alcoholic beverages are allowed. Premises may include more exterior patios or decks:
 - Sufficient safeguards must be in place.
 - Perimeter barrier may not be required if the existing boundary naturally defines the outdoor area impeding foot traffic.
 - Seating for patrons must not exceed the seating capacity for which the premises are or will be licensed.
 - You must have an interior service bar. The premises may have more than one service bar, including service bars on the patio/deck, with Department approval.
 - You must prevent the self-service of alcoholic beverages at any service bar.
 - No self-service devices and vending machines may be used to serve alcoholic beverages.
 - RBW licenses may not be within 600 feet of, and on the same street as, a church or school; however, the transfer of ownership of existing licenses and local government supplanting the provision of this section of the law are allowed.

Suitability Specific to Off-Premises Licenses:

In addition to the Suitability Basics above, the following must be met for off-premises license types:

- The premises must be in a stand-alone beer and/or table wine business, a grocery store, or a drugstore licensed as a pharmacy.
- Your floor plan must include:
 - Entity name
 - Alcoholic beverage license number (if issued yet)
 - Physical address of premises
 - Date
 - Accurate dimensions
 - Any storage areas and permanent floor-to-ceiling walls required between the premises and another business (if applicable)

All licensees must comply with all Montana alcoholic beverage laws and rules.

* “Adequate physical separation” means: The premises of the retailer and the premises of the brewery or winery are secured after business hours from each other and from any other

business, including but not limited to prohibiting a customer from accessing a brewery sample room and purchasing alcohol after the brewery tasting room hours of operation. The separation may include doors, gates, or windows that may be left open during business hours and does not require permanent floor-to-ceiling walls.

** “Prepared serving” means: a container of alcoholic beverages, filled at the time of sale and sealed with a lid, for consumption at a place other than the licensee’s premises.

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. The privileges granted under a license extend only to the premises depicted in the floor plan approved by the department.

[16-3-306](#), [16-3-311](#) (Amended), [16-4-105](#), [16-4-115](#), [16-4-201](#), [16-4-208](#), [16-4-209](#), [16-4-213](#), [16-4-312](#), [16-4-420](#), MCA; ARM [42.12.145](#), [42.12.146](#) and [42.12.147](#) Newly amended sections to Title 16 will not be available for print until approximately October 2021. Click [here](#) to read full version of HB 705. Click [here](#) to read full version of HB 157.

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