

Businesses that can sell and deliver alcohol for off-premises consumption during state shut down

3.2020 (Please note that information in Department communications may have been modified, superseded, or made obsolete by changes in Federal law, Montana State law or Administrative Rules of Montana. If you need to verify the current validity of any Department communications contact us at the number listed below)

Who can sell alcohol for delivery?

Only retailers and manufacturers with an active alcoholic beverages license and agency liquor stores with a current franchise agreement can sell alcohol for delivery where the state government has shut down these businesses as a result of the COVID-19 Novel Coronavirus outbreak.

- 1. All on-premises licensees (bars/casinos/restaurants); off-premises licensees (grocery/convenience stores); manufacturer licensees (breweries/wineries/distilleries); and agency liquor stores.**

Allowed:

- To sell alcoholic beverages to consumers to drink somewhere else (off-premises consumption).
- To take alcoholic beverage orders and payments on the phone or computer.
- To deliver alcoholic beverages off the licensed premises by the licensee's employees over the age of 21, including to a parking lot or curb.
- To sell alcohol through a drive-up window.

They must:

- Follow all laws pertaining to the Responsible Alcohol Sales and Service Act.
- Bars/Casinos/Restaurants with an All-Beverages License or Beer License:
 - Sell alcoholic beverages in original packaging* for delivery, curbside, drive-up or take-out. This includes growlers with beer, and table wine.
 - Sell alcoholic beverages in individual servings** for take-out ONLY and the buyer assumes liability of local or state regulations regarding open container.
- Breweries:
 - Only sell in original packaging*, including growlers with beer.
- Wineries:
 - Only sell in original packaging*, including growlers with wine.
- Distilleries:
 - Only sell up to 1.75 liters per person per day.
 - Only sell in original packaging*.

BUSINESSES THAT CAN SELL AND DELIVER ALCOHOL FOR OFF-PREMISES CONSUMPTION DURING STATE SHUT DOWN

- Restaurant Beer and Wine Licensees (RBWs)/Cabarets:
 - Only sell in original packaging*.
 - Only sell beer and wine to a patron who orders food and have that beer and wine stated on the food bill.
 - Operate the restaurant where at least 65% of the restaurant's annual gross income from the operation from the sale of food and not from the sale of alcoholic beverages.
- Grocery and Convenience Stores/Agency Liquor Stores:
 - Only sell in original packaging*.

Not Allowed (all license types and agency stores):

- To sell to a person under 21 years of age or to any person actually, apparently, or obviously intoxicated.
- To have a third-party service such as Grubhub order, pickup and/or deliver alcohol.
- To canvass for or solicit orders for the purchase of alcohol. Customers must initiate the sale of alcohol either on the phone, in person or online. Normal rules of advertising apply.

2. Beer Wholesalers and Table Wine Distributors: Product Pickup

Allowed:

- Any retail licensee may coordinate with beer wholesalers and/or table wine distributors for pickup of alcoholic beverages. Any agency liquor store may coordinate with table wine distributors for pickup of table wine.
- The retailer and beer wholesaler and/or table wine distributor may allow for any quantity of product that is agreed upon. The agency liquor store and table wine distributor may allow for any quantity of wine that is agreed upon.

They must:

- Sell alcoholic beverages in original packaging*.

3. Beer Wholesalers and Table Wine Distributors and Breweries: 7-day Credit Extension for All Retail Licensees

Allowed:

- May choose to extend more than 7 days credit to a retailer.

* **Original packaging** means the sealed container in which a manufacturer packages its product for retail sale. It includes bottles, cans, kegs, and growlers, but does not include lines or piping carrying product from a manufacturer's premises to a retailer's premises.

** **Individual serving** means not more than 16 ounces of beer, not more than 2 ounces of liquor, not more than 7 ounces of wine, or a proportional combination thereof (for example, 1 ounce of liquor mixed with 8 ounces of beer).

Licensees are granted these privileges under the Governor's Executive Order and must comply with all other Montana alcoholic beverage laws and rules.

NOTE: This guidance document and privileges will no longer be applicable when the Governor's Directive expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.