

Nonuse During COVID-19

Guide for on-premises and off-premises retail licensees

16-3-310, MCA Lapse of license for nonuse. Any retail license issued pursuant to this code (including any retail license to sell beer and table wine for off-premises consumption) not actually used in a going establishment** for 90 days shall automatically lapse.

Governor's Closure and Phase I Reopening:

If a retail licensee is unable to operate a going establishment because of the Governor's mandatory closure and during Phase I reopening, the licensee is not subject to lapse provisions stated in 16-3-310, MCA. However, if a licensee has been closed due to an alteration or other reason, the licensee still must notify ABCD with the nonuse form before the 90-day time period ends.

Nonuse applies to the following license types:

- All On-Premises Licenses
- Off-Premises Beer/Wine Licenses

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

16-3-310, MCA and ARM 42.13.107, 42.13.108 and 42.13.112

Start of Phase II Reopening Effective June 1, 2020:

The 90-day requirement will now apply. If a licensee is unable to open within 90 days of the start of Phase II, the licensee must:

- Fill out the nonuse form found on our website, MTRRevenue.gov
- Explain the circumstances beyond the licensee's control
- Send it to ABCD for review

** Going establishment means a business that: (a) is open at least 20 hours per week for any four weeks in a 90-day period; (b) maintains an inventory of at least ten cases of alcoholic beverages for each day that the establishment is open; and (c) sells or provides a minimum of \$50, calculated at cost, of alcoholic beverages each week the establishment is open.

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Questions? Contact our office at (406) 444-6900

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