

A prepared serving is a container of an alcoholic beverage(s), filled at the time of sale and secured with a lid, for consumption at a place other than the licensee's premises. It may not be considered a prepared serving if the lid of the container is sealed like it was "factory sealed".

Keep in mind there is an open container law in Montana that drivers of vehicles still must adhere to. An open alcoholic beverage container is a bottle, can, jar, or other receptacle that contains any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially removed (see below for MCA).

ON-PREMISES RETAIL LICENSE SPECIFIC

Allowed:

- Must be prepared and filled at the time of the sale.
- Must use a container sealed with a lid.
- There is no size limit on the container or amount of alcohol.
- All-beverage licensees may sell drinks with liquor in to-go cups with lids only (federal regulations do not allow retailers to bottle or can distilled spirits).
- Restaurant beer and wine (RBW) licensees may sell prepared servings: food must also be purchased at the same time, as stated on the bill, and may only be sold between the hours of 11 a.m. and 11 p.m.
- If labeling a prepared serving, you may include, but it is not required:
 - Name of the establishment.
 - List of ingredients, including the name brand of the distilled spirit, beer, and/or wine.
 - The wording: "Mixed by...", "Blended by...", "Prepared by...", etc.
 - Name of the cocktail.
- Industry members (breweries, wineries, distilleries, wholesalers) may sell cups to retailers so long as the cups were sold at a price not less than the cost to the industry member who initially purchased them.

Not Allowed:

- May not prefill or prepare the servings before the sale.
- May not bottle or can drinks with liquor (per Federal guidelines).
- May not refill liquor bottles.
- May not consume prepared servings on licensed premises.
- Labeling may not include:

- Anything that suggests the product was manufactured/produced at the on-premises establishment and misleading the public to believe the on-premises establishment is also a manufacturer.
- The wording: "Manufactured by...", "Canned by...", "Created by...", "Bottled by...", "Produced by...", "Handcrafted by...", etc.

MANUFACTURE LICENSE SPECIFIC

Allowed:

- Must be prepared and filled at the time of the sale.
- Must use a container sealed with a lid.
- There is no size limit on the container or amount of alcohol except noted regarding breweries and distilleries. **Brewery and distillery licenses:** prepared servings count towards sample room limits and may only be sold between the hours of 10 a.m. and 8 p.m.
- Distilleries: may can cocktails with distilled spirits (AKA ready to drink [RTD]). However, the distillery must go through the federal and state product and labeling process for RTDs.
- Industry members (breweries, wineries, distilleries): may sell cups to retailers so long as the cups were sold at a price not less than the cost to the industry member who initially purchased them.

Not Allowed:

- May not prefill or prepare before the sale. Approved RTDs by distillers are an exception as they are not considered prepared servings; they would be considered original packaging.
- May not consume prepared servings on the licensed premises.
- May not exceed sample room limits:
 - Breweries limited to no more than 48 oz per person per day
 - Distilleries limited to no more than 2 oz per person per day

LICENSE TYPES NOT ABLE TO OFFER PREPARED SERVINGS TO GO:

- Off-premises
- Golf course beer/wine
- Nonprofit arts
- Yellowstone Airport beer/wine

- Montana Heritage
- Sacramental wine
- Academic brewer (FVCC & MSU-Billings)
- Continuing Care Retirement Center
- Beer wholesaler and table wine distributor
- Manufacturers without sample rooms
- Breweries that produce more than 60,000 barrels annually nationwide
- Distilleries that produce more than 200,000 proof gallons of liquor annually

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

SECTIONS [16-1-106](#), [16-2-106](#), [16-3-213](#), [16-3-214](#), [16-3-219](#), [16-3-303](#), [16-3-411](#), [16-4-105](#), [16-4-110](#), [16-4-115](#), [16-4-201](#), [16-4-208](#), [16-4-209](#), [16-4-213](#), [16-4-312](#), [16-4-418](#), AND [16-4-420](#), MCA. [61-8-460](#) and [61-8-461](#), MCA–Open container law and definitions. [27 CFR § 6.88](#)–Equipment and supplies [27 CFR § 31.204](#) and [27 CFR § 31.233](#)–Mixed cocktails and Mixing cocktails in advance of sale

[1.2023](#) Please note that the information in department communications may have been modified, superseded, or made obsolete by changes in federal or state law or the Administrative Rules of Montana. If you need to verify the current validity of any Department of Revenue communication, please contact us.

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