

Guide for alcoholic beverage manufacturer 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 alcoholic beverage manufacturer licenses and warehouses:

- 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, except as authorized under an approved alternating proprietor arrangement).
- Your premises must have a unique address not shared by another business (suite numbers are acceptable).
- 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.
- Your premises must be located in one building or a specific portion of one building.
- Manufacturer licensees may not have direct “tap lines” from a manufacturing premises to a licensed retail premises.
- 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.
- 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.

- If you share space in a building, your business must be separated by permanent floor-to-ceiling walls from any other licensed alcoholic beverage business.
 - Brewery and winery licenses may be located adjacent to a retail license if the licensees are able to maintain control of their respective premises through adequate physical separation.
 - 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 brewery tasting room hours; and
 - ◆ The separation may include doors, gates, or windows that may be left open during business hours.
 - ◆ It does not require permanent floor-to-ceiling walls.
 - ◇ Alcoholic beverages purchased on a licensed premises must stay on that licensed premises. For example, if a customer purchased a beer at a brewery that customer may not take that beer to the bar next door.
- Your floor plan must include:
 - Entity name
 - Alcoholic beverage license number (if issued yet)
 - Physical address of premises
 - Date
 - Accurate dimensions
 - Any manufacturing area, storage area, or single sample room (if applicable), drink preparation areas (if applicable), patio/deck (if applicable), perimeter barrier (if applicable), and permanent floor-to-ceiling wall required between the premises and another licensed alcoholic beverage business (if applicable).
- There must be interior access to all interior portions of the premises.
- You must have all storage in the interior portion of the premises. You may not share alcohol storage space with any other business, or store alcohol in a shed or other site outside the building.
- Unauthorized people may not have access to manufacturing areas.

- The public must be able to tell by signage and manufacturing equipment that there is a brewery, winery, or distillery in your location.
- You may include more than one building for manufacturing purposes only if the property on which the buildings are located is contiguous and the licensee has possessory interest in the property on which the buildings are located.

Suitability for a Sample Room (Tap Room):

In addition to the Suitability Basics section, the following must be met for a manufacturer license with a sample room:

- You may have a single sample room per license.
 - It must be a contiguous single sample room.
 - It must be located in the interior portion of the premises.
 - It may not be located in a storage warehouse.
 - It must contain a drink preparation area and may have more than one drink preparation area, including drink preparation areas on the patio/deck.
- You may have a patio/deck that extends from the interior portion of the premises, if it is contiguous with and immediately accessible from the sample room with a perimeter barrier. (For example, it may have a clearly marked path to the patio/deck). You must clearly mark where the service and consumption of alcoholic beverages are allowed.
- You must prevent the self-service of alcoholic beverages at any drink preparation area.
- You may not use self-service devices and vending machines to serve alcoholic beverages.
- You may offer curbside delivery during normal business hours and within 300 feet of the licensed premises.
- You may have a drive through window for alcoholic beverage pickup.
- You may sell prepared servings* of alcoholic beverages for off-premises consumption. For breweries and distilleries, alcoholic beverage prepared servings count towards your sample room limits and may only be sold during sample room hours between the hours of 10 a.m. and 8 p.m.
- You may have reach-in coolers and open shelving if they are located in a drink preparation area and the ABCD determines that adequate precautions are in place to prevent the self-service of alcoholic beverages.

Suitability for a Brewery Warehouse – Brewery Storage Depot License:

A domestic brewery may operate a warehouse on property that is not contiguous to the manufacturing premises property only if the warehouse is used exclusively for storage.

- You must seek approval from ABCD before using the new building for storage.
- You may have more than one brewery storage depot.
- Each brewery storage depot must have its own license.
- All brewery storage depots are subject to suitability requirements.

Suitability for a Distillery Warehouse – Distillery Storage Warehouse Endorsement

A domestic distillery may operate a warehouse on property that is not contiguous to the manufacturing premises property only if the warehouse is used exclusively for storage.

- You must seek approval from ABCD before using the new building for storage.
- You may have more than one distillery storage warehouse.
- Each distillery storage warehouse must have its own endorsement.
- All distillery storage warehouses are subject to suitability requirements.

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

*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.

[16-3-311](#) (Amended), [16-4-312](#), MCA and [ARM 42.12.149](#). 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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