

The Domestic Winery License



What is a domestic winery license?
How do I get one?
What can I do with it?



ALCOHOLIC
BEVERAGE
CONTROL
DIVISION
MONTANA



MONTANA
DEPARTMENT OF
REVENUE

What is a domestic winery license?

A domestic winery license is a winery located in Montana. This license allows the winery to import in bulk, produce, bottle, blend, store, transport, or export the wine it produces.

A domestic winery may sell its table wine at wholesale to table wine distributors and wine/table wine to licensed retailers. The domestic winery may provide samples on its approved sample room premises for consumption on or off the premises, with or without charge, or sell its wine to licensed retailers. A winery may ship wine with a direct shipping endorsement directly to the public.

Any domestic winery licensed in the state may own, lease, maintain, and operate a department-approved storage depot in any city or town in Montana. Wineries may use the depots for receiving, handling, storing, selling, and distributing their wine. They may not use storage depots for manufacturing or consumption.

Where do I start?

A domestic winery license may be applied for directly from the Department of Revenue (DOR) Alcoholic Beverage Control Division (ABCD) and does not need to be purchased from an existing licensee unless you are buying the business and the wine inventory.

You may apply electronically through [TAP](#).

What are the associated costs?

- One-time domestic winery license processing fee: **\$200**.
- Annual domestic winery license: **\$400**.
- Annual domestic winery direct shipment endorsement fee: **\$50** (when shipping directly to the consumer in Montana).
- Fingerprint card fee for each individual with 15% or more

ownership interest in the business: **\$30 each**. *Price subject to change.*



What do I need to apply?

When applying for a domestic winery license, provide the following general information:

- A completed application for a domestic winery license.
- Alcohol and Tobacco Tax and Trade Bureau (TTB) Federal Basic Permit to manufacture wine.
- Agreements with licensed table wine distributors who will distribute your products, if applicable.
- [Temporary Operating Authority \(TOA\)](#) request, if applicable (for a maximum of 180 days).
- **Labels:** You must submit COLA approvals or exemptions from the TTB for each brand and variety of table wine over 7% alcohol content by volume (abv) to be manufactured.
 - o **NOTE:** All wine products in Montana must have label approval through ABCD.

- Even those under the 7% abv.
- Even if you only sell your products in your approved sample room.
- o Label approvals must be filed online through [TAP](#) after approval of your domestic winery application for ABCD to approve.
- o More information regarding TTB COLA may be found at <https://www.ttb.gov/>.
- A completed [ABCD Authorization to Disclose Tax Information Form](#) for each individual with ownership over 15% and each entity for the purchaser of the license.



- A floor plan that includes but is not limited to the following: the business name, physical address, license number (if known), alcohol storage area(s), drive-through window (if applicable), sample room (if applicable), manufacturing area, external dimensions, entryways and any patio or deck area (if applicable). Do not send in the original blueprints or architect drawings, and only submit

an 8 ½" x 11" size copy of the floor plan. See the [Floor Plan Fact Sheet](#) for more details.

When applying for a domestic winery license, you need to provide the following financial information showing the “intent to purchase” the alcoholic beverage license (if buying an existing license), inventory, and building, if applicable:

NOTE: DO NOT exchange funds for the alcohol beverage license [if applicable] beyond earnest money 5 percent of the license price without prior ABCD TA or license approval.

- Copies of any loan agreements, contracts, notes, and all related security agreements, guarantees, and trust indentures.
- If funds come from somewhere other than a loan provide the last 6 months of bank statements from the bank account you are using to pay for the alcoholic beverage license, building, and/or start-up operating funds for the business.
- Other sources of funding:
 - File the [Non-Institutional Loan \(NIL\) Form](#) with the application if any lenders or other sources of financing are not state or federally-regulated financial institutions, including gifting statements.
 - [Personal Criminal History Statement Form](#) for each NIL. Two fingerprint cards and fees for each NIL.
- Copies of lease, rent, purchase options, financing agreements, or other evidence showing possessory interest in the building.
- Financial statements, such as a balance sheet, income statement, or tax return for the business. If it is a new business projected balance sheet and income statements

are acceptable.

- Copy of business's bank signature card.
- Purchase/transfer documents for the alcoholic beverage license, such as a buy/sell agreement, contract for deed, warranty deed, and bill of sale, if applicable.



When applying for a domestic winery license, provide the following ownership information (based on entity type applying), including:

- Copy of partnership agreement documentation.
- Copy of articles of incorporation and amendments or addenda.
- Copy of bylaws and amendments or addenda.
- Copy of certificate of fact (for LLCs and LLPs).
- LLC organizational information.
- Copy of stock certificates, corporate minutes, and

attachments.

- Stock ledger or register.
- Copy of certificate of existence (for in-state corporations).
- Copy of authority to conduct business in Montana (for out-of-state corporations).
- Copy of documentation from the Secretary of State verifying approved assumed business name (ABN).
- Copy of federal employer identification number (FEIN) verification from IRS.
- Completed [Personal Criminal History Statement Form](#) for each individual with 15% or more ownership interest in the business. Two fingerprint cards and fees for each individual with 15% or more ownership interest in the business.



When applying for a domestic winery license, you must provide the following management information, including:

- [Location Manager Form](#) (if someone other than an owner over 15% is managing the business).
- Personal [Criminal History Statement Form](#) for each location manager.
- Two fingerprint cards and fees for each location manager.

What are the steps in the application process?

- The application process takes on average 90 days and begins when ABCD receives a complete application package and all supporting documents.
- Application is then reviewed by the ABCD.
- Applicant will receive a letter requesting any additional documents, if needed.
- ABCD notifies local agencies with jurisdiction over the area of the application in process.
- Before final approval of any new location, it is the responsibility of the applicant to contact local building, health, and fire code officials to schedule inspections. ABCD may not approve an application until:
 - o Local officials have given notice that the licensed premises meet their requirements.
 - o A background check has been conducted of the applicant(s) and a premises inspection has been completed so ABCD can determine whether the applicant(s) and location meet suitability requirements.
- After the completion of the audit and investigation, ABCD conducts a final review of the application. If necessary, any additional or closing documents may be requested.
- Final approval is granted when the licensing specialist

receives all finalized documents, inspections, and any outstanding issues or violations (if any) have been resolved.

What taxes does a domestic winery pay?

Wineries are required to electronically file and pay on a quarterly basis. For purposes of this tax, a tax year begins on July 1, and a "quarter" means a tax reporting period which begins July 1, October 1, January 1, and April 1 of each tax year. You must file and pay (if applicable) on or before the 1st of each quarter for sales in the previous quarter; a wine income tax (WIT) and/or hard cider tax (HCT) return. You must file your WIT and/or HCT return even if you have had no sales. Returns must be filed electronically through [TAP](#).

Sacramental Wine & Table Wine	
Sales To	Tax Rate Per Liter
Retailers	\$0.27
Sacramental Wine Licenses	
Agency Liquor Stores	
Special Permit Holders	
Directly to Consumers	

Hard Cider	
Sales To	Tax Rate Per Liter
Retailers	\$0.037
Sacramental Wine Licenses	
Agency Liquor Stores	
Special Permit Holders	
Directly to Consumers	

Need help filing any of these forms? Contact the DOR Business and Income Tax Examiner at (406) 444-0723 or email ABCD at DORABCD-O&E@mt.gov.

What are the rules for a domestic winery license?

- All licensees, their agents, and employees must conduct the licensed premises in compliance with all:
 - Alcohol-related provisions of the laws of Montana (Montana Code Annotated [MCA] Title 16 and the United States Code of Federal Regulations [CFR]).
 - County and city or town ordinances.
 - Indian alcohol beverage laws applicable within the areas of Indian Country.
 - Administrative Rules or Montana (ARMs) for the Department.
- Title 16 and the ARMs can be found on our website [here](#) under Links and Information.
- All licensees must keep up on any changes to Title 16 MCAs and the ARMs.
- **NOTE:** these may change from time to time. Contact ABCD if there are any questions.

A domestic winery licensee **MAY:**

- Sell and serve wine it produces for on-premises and off-premises consumption between the hours of 8 a.m. and 2 a.m.
- Sell wine it produces at the winery directly to the consumer for on-premises consumption only in an approved sample room shown on the floor plan submitted to and approved by the department.
 - Sell for off-premises consumption at the premises in an approved sample room, at an approved curbside area, or a drive-through window.
- Serve their wine on an approved patio, deck, or lawn if:
 - The outdoor area(s) are designated on the [floor plan \(click for specifics\)](#) you submitted with your application.

- o It is immediately accessible from the sample room.
- o Building, health, and fire approval has been obtained.
- o It has an approved perimeter barrier.

A **perimeter barrier** is a barricade enclosing the perimeter of the patio/deck. The barrier must be constructed in a manner that impedes foot traffic and clearly defines the boundary of the exterior portion of the premises. The barrier must be a solid structure that is at least three feet high and have a single six-foot entrance permitting public access from an unlicensed area to the patio/deck. The barrier may be constructed of materials such as lattice or wrought iron that do not form a solid structure, have a portion of it be water, and/or have additional entrances permitting public access to the patio/deck. If there are questions relating to this contact ABCD.

- Sell product at a discounted rate to non-profit organizations and special permit holders so long as you do not violate any existing distributor agreements.
- Use a licensed table wine distributor to deliver table wine to a licensed retailer.
 - o The table wine distributor is responsible for the tax reporting requirements of shipments to licensed retailers.
 - o The winery and a table wine distributor must have a written agreement of distributorship on file with the department prior to shipment.
- Sell and deliver wine produced by the winery directly to licensed retailers and agency liquor stores if the winery uses its own equipment, trucks, and employees to deliver the wine and the wine delivered does not exceed 4,500 9-liter cases per year.
 - o This may also include an approved noncontiguous

storage area located with 10 miles of the retailers licensed premises.

- o How do you know if they have one? A license will be issued with an approved non-contiguous storage information listed on the front of it.
- o Look up a license on [TAP](#) to see if a licensee has an approved noncontiguous storage area.
- o This may also include an approved noncontiguous alcoholic beverage storage area within the same quota area of the agency liquor store premises. Unsure if the agency liquor store has an approved noncontiguous storage area? Contact ABCD.
- Use a common carrier to deliver wine to a licensed retailer but are limited to three cases a day for each licensed retailer. The annual shipments may not exceed 4,500 9-liter cases.
- Use a common carrier to deliver wine to licensed table wine distributors if the boxes are marked with the words: "Wine shipment from Montana Licensed Winery to Montana Licensee." The licensed table wine distributor must be in good standing and the table wine distributor, its employee or agent must sign for receipt of the product.
- Apply for twelve (12) winery special permits per calendar year to sell wine that was fermented or blended at the winery's licensed premises at a special event.
 - o The wine may be sold:
 - For consumption at their special event.
 - For off-premises consumption in original packaging at their special event.
- Obtain a direct shipment endorsement from ABCD for \$50 to deliver up to 18, 9-liter cases of table wine annually per individual in Montana for personal use

who are at least 21 years of age.

- Have a wine club and ship to customers if the winery holds a direct shipment endorsement.
- Ship products outside of Montana but must adhere to the receiving state laws.

A domestic winery license that produces sacramental wine MAY:

- Distribute its wine to licensed table wine distributors who will then distribute to licensed retailers for purchase by priests, rabbis, pastors, ministers, officials of the churches, or other established religious organizations.

A domestic winery licensee may NOT:

- Allow customers to bring their own alcoholic beverages onto the licensed premises.
- Lock premises doors while there are still customers inside.
- Sell or serve alcoholic beverages from vending machines.
- Allow anyone (including owners, employees, and customers) to consume or sell any alcoholic beverages on the licensed premises between 2 a.m. and 8 a.m.
- Possess a financial or ownership interest in a Montana retail license (unless you have been approved for a co-located license with an all-alcoholic beverage or beer/wine retail license— call ABCD for more information), agency liquor store, or a wholesale distributor license.
- Manage a wholesaler or distributor license. See the [Managing Other Licenses Fact Sheet](#) found on our website.

A domestic winery licensee MUST:

- Give law enforcement access to their licensed premises at all times.
- Ensure all employees serving open-container alcoholic

beverages are 18 years or older.

- Notify the department when there is a change in a location manager within 30 days of hire for your alcoholic beverage business. See the [Location Manager Fact Sheet](#) on our website.



- Be paid for wine purchased from licensed Montana retailers and agency liquor stores within 7 days of the sale.
- Be paid for wine purchased from licensed Montana table wine distributors. Otherwise, allowing consignment sales by exceeding more than a 30-day payment term to table wine distributors, and importers may be considered inducement in Federal code (see TTB Industry Circular 2022-1).
- Notify ABCD regarding most changes to the existing license BEFORE the change occurs. Contact your [ABCD Licensing Specialist](#) with questions.
- Ensure all employees who serve or sell alcoholic beverages and their immediate supervisors:
 - o Have completed and passed the state-approved

Responsible Alcohol Sales and Service (RASS) training within 60 days of hire.

- o Complete RASS renewal training every three years.
- o [Click here](#) to find out if someone is server-trained. You must know their name and birthdate.

You may find a list of approved training providers at www.AlcoholServerTraining.mt.gov.

Miscellaneous:

• Alterations

- o If you decide to remodel your establishment, you must send ABCD an [Alteration Request Form](#) along with a copy of the existing [floor plan](#) and a proposed floor plan showing the alterations **before** starting the alteration. Once the Department reviews and approves the request, you may begin the alteration without it affecting your license. You may not use the new premises area(s) until the department has approved them and they have passed building, health, fire, and a premises inspection. **Exception:** In certain cases, pre-approval is not required. Contact ABCD if you are unsure.
- o Not sure if your “remodel” is considered an alteration. [Contact your Licensing Specialist.](#)

• Providing Samples to “Clients” (Licensed Retail Establishments):

- o You may host a sampling event where you pour and serve wine samples to licensed on-premises retailers and their employees for the following purposes:
 - To promote your product.
 - To negotiate a sale.
 - To determine the quality and character of a product.

- **Providing Samples at an Industry Trade Show event:**

- You may provide samples at an industry trade show event where you pour and serve wine samples to attendees for the following purposes:
 - To promote your product.
 - To negotiate a sale.
 - To determine the quality and character of a product.
- Employees or agents who intend to provide their wine at an industry trade show may bring product using its own equipment, trucks, and employees or using a common carrier, deliver alcoholic beverages it produces from its premises to the industry trade show.
- After an industry trade show, any remaining beer may be retained by the manufacturer, its employees, or the licensee who hosted the event if applicable.

See the [Industry Trade Show Fact Sheet](#).

- **Public Tasting Events**

Wineries may participate at a public tasting event (such as a city festival) only at the following:

- An on-premises licensed establishment.
- An event catered by an on-premises licensee.
- An event held by a special permit holder.
- An event held by the winery with their approved special permit.

See the [Public Tasting Event Fact Sheet](#).

Applicable Definitions:

Alcoholic Beverage means a compound produced and sold for human consumption as a drink that contains more than 0.5 percent of alcohol by volume.

Hard Cider means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% of ABV and not more than

6.9% ABV, including but not limited to flavored, sparkling, or carbonated cider.

Liquor Classification when wine has more than 16% ABV, that alcoholic beverage is then considered a distilled spirit and must be shipped through the Montana state liquor warehouse.

Non-institutional lender means a person other than a state or federally regulated banking or financial institution, a credit union, an investment company, a development company, or other regulated lender as defined in [31-1-111, MCA](#), who loans money to the applicant for a license or to the licensee.

Table wine means wine that contains not more than 16% ABV and includes cider.

Wine means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit, or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% ABV.

Questions? Contact an [ABCD Licensing Specialist](#) for more information.



ALCOHOLIC BEVERAGE CONTROL DIVISION

MONTANA

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Website: [Alcoholic Beverage Control - Montana Department of Revenue \(mtrevenue.gov\)](https://mtrevenue.gov)

Forms: [Forms - Montana Department of Revenue \(mtrevenue.gov\)](https://mtrevenue.gov)

Online Applications: [TAP](#)

Fact Sheets: <https://mtrevenue.gov/dor-publications/liquor-publications/#FactSheetsEmail> ABCD

Email Outreach & Education - DORABCD-O&E@mt.gov

Email ABCD - doralcoholicbeveragecontrol@mt.gov



Updated 3/2024