

Special Permit Guide



What is a special permit?
How do I get one?
What can I do with a special permit?

What is a special permit?

A special permit allows qualified organizations to sell and serve beer and/or table wine at a special event.

A **special event** is a short, infrequent, out-of-the-ordinary occurrence such as a picnic, fair, festival, reception, seasonal event, or sporting event for which there is an outcome, conclusion, or result.

Special permits can be issued for up to three consecutive days.

Exceptions: A permit holder may have one special event per year that lasts up to seven days for a fair. Sports organizations or junior hockey leagues special permits are issued for the season.

A special permit entitles the holder to sell and serve beer and table wine for on-premises consumption from a booth, stand, or fixed place of business within the exhibition enclosure and confined to specific premises or designated areas described on the application (including bleachers or grandstands).



Guests may ONLY consume beer and/or table wine within the designated area where the special permit is issued. Off-premises sales of alcohol may not occur. **Exception:** Only a Montana-licensed winery may provide wine that was fermented or blended at the winery's licensed premises with a special permit for both on-premises and off-premises consumption.

This booklet will provide information on how to apply for a special permit and what organizations and licenses may qualify for a special permit. Also covered, are skills in responsible sales and service of alcoholic beverages to help you and your volunteers/employees stay in compliance with alcoholic beverage laws and protect your organization's liability.

Where do I start?

You may submit your application electronically through [TAP](#) or go to the Department of Revenue (DOR) Alcoholic Beverage Control Division (ABCD) website, click [Forms](#), and search for the appropriate special permit form.

What are the associated costs?

\$10 per day – limit 12 events per year for the following

501(c) (3) Organization
501(c)(3) Intercollegiate Athletic Fundraising Organization
501(c)(4) Civic League or Organization
501(c)(6) Chamber of Commerce or Business League (liquor liability insurance required)
Wineries licensed and located in Montana

Veterans or fraternal organizations that **have an alcoholic**

beverage license may get a special permit for an event off their licensed premises. \$10 per day - **limit 3 events per year.**

Veteran/Fraternal Organizations that **do not have an alcoholic beverages license** and want to sell and serve beer, wine, or distilled spirits at a special event at their "post or lodge". \$20 per day – All-Beverage Special Permit. \$10 per day – Beer and Table Wine Special Permit. - **limit 1 event per year.**

The following organizations are only limited to 1 permit for their season and the permit only allows for sales and consumption of alcohol during sporting events. \$1,000 per season.

Professional Sports Organizations
Junior Hockey Teams

Requests for special permits must be received by the department at least **five** business days before the event.

What do I need to apply?

You must have local law enforcement sign the special permit form or for electronic submissions the second page of the special permit form and upload it with the application (both forms are found on our website [here](#) using the search function) submission when submitting on TAP.

What are the steps in the application process?

- The application process takes approximately 2-5 days to complete once the application package is received with all supporting documents.
- The application is then reviewed by the ABCD.

- The application must:
 - Describe the location of the enclosure where the special event, activity, or sporting contest is to be held. This includes all service and consumption areas.
 - Describe the nature of the special event, activity, or sporting contest.
 - State dates on when the special event, activity, or sporting contest will be held.
- The applicant is a current nonprofit organization with the IRS. Proof of the IRS designation is required with the application. **Exceptions:** Wineries and professional sporting teams.
- Fees must be paid.
- Final approval is granted when the licensing specialist receives all finalized documents and the fees have been paid.

What are the rules for a special permit holder?

- All permit holders, their agents, employees, and volunteers must conduct special events in compliance with all laws governing the retail sale of beer and wine for on-premises consumption:
 - 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 permit holders 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 special permit holder MUST:

- Get law enforcement permission for the special event and authorized signature sign-off for the special permit paperwork.
- Display their permit and required age sign at the event.
- Ensure anyone serving open-container alcoholic beverages are 18 years or older.
- Purchase beer and table wine from a licensed beer wholesaler, table wine distributor, brewery, or winery.
 - Alcoholic beverages for on-premises consumption at the special event may not come from anywhere else.
 - Donated product is not allowed. However, a brewery and winery may sell products at a discounted rate as long as the brewery and winery does not violate any existing distributor agreements.
- **Exception:** Wineries may not sell beer. Wineries may only sell and serve the wine they have produced at their permitted event.

A special permit holder MAY:

- Have a special permit event near a church or school.
- Serve beer and/or table wine between the hours of 8 a.m. and 2 a.m.

A special permit holder may NOT:

- Sell alcoholic beverages for off-premises consumption.
Exception: Only a Montana-licensed winery may provide wine that was fermented or blended at the winery's licensed premises with a special permit for both on-

premises and off-premises consumption.

- Have an ownership interest in a manufacturer, importer, bottler, or distributor of alcoholic beverages or ownership in an agency liquor store. **Exception:** A Montana-licensed winery has a wine manufacturing license.

Alcoholic Beverage Selling and Serving Education

The alcoholic beverage industry is governed by local, state, and federal laws and regulations. By obtaining a special permit, permit holders assume the responsibility of complying with all these laws and regulations.

This booklet helps provide special permit holders with the information needed to stay in compliance with these laws and develop successful alcohol policies that can be implemented to increase profits while decreasing problems.

Responsible alcohol management may help make your event successful. Go to the ABCD website for more resources regarding [Alcohol Responsibility](#). Topics examples have included:

- Responsible Night Out
- Responsibly Handling Tipsy Customers
- Responsible Alcohol Establishment Best Practices
- Responsible Carding – The ABCs of IDs
- Free Posters and Signs are available [here](#).

Training and Public Health and Safety

Educating servers and sellers about Montana's alcoholic beverage laws will help them understand their legal responsibilities. This understanding can lead to a number of outcomes improving the public health and safety, including:

- A reduction in illegal sales to underage youth
- A reduction in illegal sales to intoxicated individuals

- The promotion of responsible alcohol consumption
- A reduction in drunk drivers
- A reduction in alcohol abuse

Selling to Intoxicated People: It is unlawful for any special permit holder, the special permittee's employees, volunteers, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to any person who is actually, apparently or obviously intoxicated. [16-3-301\(4\)\(b\), MCA.](#)

Training provides information to employees that can help protect them from third-party liability lawsuits.

Acceptable Forms of Identification

Acceptable forms of ID are any government-issued ID that meets the following criteria:

- Contain a photograph
- Contain a date of birth
- Are not altered or manipulated

If the above criteria are met, here are some examples of conventional IDs:

Common:

- Montana driver's licenses
- US Passports
- Military ID
- Montana Tribal ID

Less common but acceptable:

- Driver's licenses including from other states and foreign countries
- Other forms of government and foreign countries' IDs
- Passports issued from countries other than the United States of America

Acceptable New and Unconventional IDs (if they met the criteria above):

- Digital driver's licenses and state IDs
- State (not private) college and university IDs
- Medical marijuana IDs

Remember: the purpose of asking for an ID is to ensure the purchaser is of legal age. Underaged people will try different tactics to obtain alcoholic beverages. If in doubt, ask for a second form of ID or deny the sale. [IDs for Purchasing Alcoholic Beverages Fact Sheet](#).

Verifying Identification

The Art of the Interview

The ABCs of IDs. Ask the question "May I see some ID please?"

- Pay attention to body language
- If the license image is vertical, the holder may be underage. Check the birthdate they may have just recently turned 21.
- When in doubt, ask for another form of ID
- Ask the cardholder questions and gauge their reactions
- Pay attention when they pull out their purse or wallet when they get their ID. Are there multiple IDs?
- Use a scanner or ID Guide:
 - a. Fake IDs may still pass through the scanner
- Be consistent with your ID routine:
 - Do not deviate
 - Do not think it's rude
 - Do not think it's a waste of time

Be aware, fake IDs are cheap, very easy to get on the Internet and they have the security features of a real ID and driver's license. They can be purchased for all the 50 states.

Remember: You may always ask for a second form of identification.

Promote a Safe and Responsible Event Preventing Sales to Intoxicated Persons

It is illegal to serve or sell alcoholic beverages to anyone who is actually, apparently or obviously intoxicated. It is easier to slow down service during early stages of consumption than to stop service once a customer has become intoxicated.

Below are some strategies to prevent serving or selling to an intoxicated person:

- Know the alcohol proof of alcoholic beverages served
- Offer an alternative nonalcoholic beverage
- Continually evaluate customers
- Don't stack drinks
- Remind the customer it is against the law to serve them to the point of intoxication

Remember: The server or seller controls the sale or service of alcohol NOT the customer

Preventing Sales to Underage Persons

There are many signs indicating someone is not of legal drinking age. They may:

- Avoid eye contact and appear nervous
- Act overly confident
- Pool their money
- Lack physical maturity
- Come in groups

Commonly used strategies to obtain alcohol:

- Using a fake driver's license or identification
- Using a real driver's license or identification from a

friend

- Flirting or making friends with the server or seller
- Bribing the server or seller
- Trying to look older

Standard Drink Units

The graphic shows which drink sizes are equal to one standard drink unit, meaning they all have approximately 1/2 oz. of ethyl (pure) alcohol. The liver can only process approximately 1/3 oz. (to be exact, 0.6 oz.) of ethyl alcohol per hour.

Therefore, it would take the liver approximately one hour to process one standard drink unit. For more information regarding

A "standard drink" contains
14 grams or 0.6 fluid ounces
of pure alcohol.



Sobering Facts

There are many tricks of the trade to "sober up" a person. However, the following are **not** effective:

- **Coffee:** increases the appearance of alertness but does not improve the body's ability to function. It only creates a wide-awake drunk.
- **Exercising and dancing:** causes sweating but does little to sober a person up.
- **Cold shower:** temporarily increases alertness but does not lessen the impairment alcohol causes.
- **Eating food while drinking:** slows the absorption rate of alcohol but does not stop impairment from occurring.

The only thing that "sobers" a person up is **TIME**.

Civil/Dram Shop Law

This law allows for owners, managers, and employees to be held financially liable if alcohol is sold or served to a customer who subsequently injures someone or causes property damage, typically by driving while intoxicated.

Criminal Liability

This type of liability addresses the legal responsibility for a person's acts. Failure of a person or entity to meet that responsibility leaves that person or entity open to a lawsuit for any resulting damages.

For sales to underage and intoxicated persons, this type of liability typically applies to the server or seller. The outcome of a criminal suit is not necessarily dependent on the outcome of the civil/dram shop suit for the same incident. Both cases are tried and resolved independently.

The criminal penalties for a server or seller who provides alcoholic beverages to an intoxicated person are:

- Up to a **\$500 fine and/or up to six months in jail**.

The criminal penalties for a server or seller who provides

alcoholic beverages to an underage person are:

- First offense: Up to a **\$500 fine and/or up to six months in jail.**
- Second offense: Up to a **\$1,000 fine and/or up to six months in jail.**

Montana Laws:

No alcohol sales to persons under 21:

It is unlawful for any licensee, a licensee's employee, or any other person to sell, deliver, or give away or cause or permit to be sold, delivered, or given away any alcoholic beverage to any person under 21 years of age. [16-3-301\(4\)\(a\), MCA](#)

National Minimum Drinking Age: A person must be 21 years of age to legally purchase and consume alcohol. [23 U.S. Code § 158](#)

Hours of operation:

Special permits may be issued for a 24-hour period. Hours of operation are from 8 am-2 am at which time all alcoholic beverages must be removed from the individual's possession. [16-4-301\(2\)\(c\), MCA](#) & ARM [42.12.324](#)

Privileges/Responsibilities:

Server/Seller: A person must be 18 years of age to serve open container alcohol. [39-2-306, MCA.](#)

Questions? Contact an [ABCD Licensing Specialist](#) or the Outreach & Education Unit 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](https://mtrevenue.gov/dor-publications/liquor-publications/#FactSheetsEmailABCD)

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