AN ACT REVISING ALCOHOL LAWS RELATING TO CONDITIONAL LICENSES AND PREMISES; CONFORMING ALCOHOL LAWS WITH APPROVAL OF LICENSES WITHOUT APPROVED PREMISES; AMENDING SECTION 16-4-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-4-115, MCA, is amended to read:

"**16-4-115. Beer and wine licenses for off-premises consumption.** (1) A retail license to sell beer or table wine, or both, in the original packages for off-premises consumption may be issued only to a person, firm, or corporation that is approved by the department as a person, firm, or corporation qualified to sell beer or table wine, or both. If the premises proposed for licensing are operated in conjunction with another business, that business must be a grocery store or drugstore licensed as a pharmacy. The number of licenses that the department may issue is not limited by the provisions of 16-4-105 but must be determined by the department in the exercise of its sound discretion, and the department may in the exercise of its sound discretion grant or deny an application for any license or suspend or revoke any license for cause.

(2) Upon receipt of a completed application for a license under this section, accompanied by the necessary license fee as provided in 16-4-501, the department shall request that the department of justice make a background investigation of all matters relating to the application.

(3) Based on the results of the investigation or in exercising its sound discretion as provided in subsection (1), the department shall determine whether:

(a) the applicant is qualified to receive a license;

(b) the applicant's premises are suitable for the carrying on of the business; and

(c) the requirements of this code and the rules promulgated by the department are met and complied with.

(4) License applications submitted under this section are not subject to the provisions of 16-4-203 and 16-4-207.

~~(5) If the premises proposed for licensing under this section are a new or remodeled structure, the department may issue a conditional license prior to completion of the premises upon reasonable evidence that the premises will be suitable for the carrying on of business.~~"

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 19, originated in the House.

_____

Chief Clerk of the House

_____

Speaker of the House

Signed this _____day

of_____, 2021.

_____

President of the Senate

Signed this _____day

of_____, 2021.

HOUSE BILL NO. 19

INTRODUCED BY E. BUTTREY

BY REQUEST OF THE DEPARTMENT OF REVENUE

AN ACT REVISING ALCOHOL LAWS RELATING TO CONDITIONAL LICENSES AND PREMISES; CONFORMING ALCOHOL LAWS WITH APPROVAL OF LICENSES WITHOUT APPROVED PREMISES; AMENDING SECTION 16-4-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.