

1 HOUSE BILL NO. 234

2 INTRODUCED BY B. EBINGER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING WINE OR BEER TASTING EVENTS ON THE
5 PREMISES OF GROCERY STORES AND DRUGSTORES THAT ARE LICENSED FOR THE SALE OF BEER
6 OR WINE FOR OFF-PREMISES CONSUMPTION; REQUIRING A PERMIT FOR A TASTING EVENT;
7 PROVIDING RESTRICTIONS ON TASTING EVENTS; AND AMENDING SECTION 16-4-115, MCA."

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

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11 NEW SECTION. **Section 1. Beer and wine tasting event -- off-premises beer and wine retailers.**

12 (1) A person licensed for sale of beer or table wine or both beer and table wine for off-premises consumption
13 under 16-4-115 may hold tasting events, consistent with the license, for beer, table wine, or beer and table wine,
14 at the licensed premises as provided in this section.

15 (2) The licensee may hold up to 12 tasting events in a calendar year.

16 (3) An individual serving size at a tasting event may not exceed 1 ounce and a person may not receive
17 more than 10 servings at a tasting event.

18 (4) The licensee shall notify the department of a tasting event not later than 10 days prior to the date the
19 tasting event is to be held. The department shall issue the licensee a permit for the tasting event if the licensee's
20 license is in good standing and the licensee has held fewer than 12 tasting events in the calendar year. Permit
21 administration may be done electronically as provided by rule of the department. A copy of the permit must be
22 posted at the licensed premises where the tasting event is held.

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24 **Section 2.** Section 16-4-115, MCA, is amended to read:

25 **"16-4-115. Beer and wine licenses for off-premises consumption -- tasting events.** (1) A retail
26 license to sell beer or table wine, or both, in the original packages for off-premises consumption may be issued
27 only to a person, firm, or corporation that is approved by the department as a person, firm, or corporation qualified
28 to sell beer or table wine, or both, and whose premises proposed for licensing are operated as a bona fide
29 grocery store or a drugstore licensed as a pharmacy. The number of licenses that the department may issue is
30 not limited by the provisions of 16-4-105 but must be determined by the department in the exercise of its sound

1 discretion, and the department may in the exercise of its sound discretion grant or deny an application for any
2 license or suspend or revoke any license for cause.

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

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

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

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

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

12 (4) License applications submitted under this section are not subject to the provisions of 16-4-203 and
13 16-4-207.

14 (5) If the premises proposed for licensing under this section are a new or remodeled structure, the
15 department may issue a conditional license prior to completion of the premises upon reasonable evidence that
16 the premises will be suitable for the carrying on of business as a bona fide grocery store or a drugstore licensed
17 as a pharmacy.

18 (6) The holder of a license under this section may conduct a tasting event as provided in [section 1]."

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20 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
21 integral part of Title 16, chapter 4, part 3, and the provisions of Title 16, chapter 4, part 3, apply to [section 1].

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