

1 HOUSE BILL NO. 524

2 INTRODUCED BY C. CLARK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~REMOVING A~~ REVISING THE REQUIREMENT THAT RETAIL
5 LICENSES FOR SELLING BEER OR WINE FOR OFF-PREMISES CONSUMPTION BE OPERATED AS A
6 BONA FIDE GROCERY STORE OR A DRUGSTORE LICENSED AS A PHARMACY; AND AMENDING
7 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 **Section 1.** Section 16-4-115, MCA, is amended to read:

12 **"16-4-115. Beer and wine licenses for off-premises consumption.** (1) A retail license to sell beer
13 or table wine, or both, in the original packages for off-premises consumption may be issued only to a person, firm,
14 or corporation that is approved by the department as a person, firm, or corporation qualified to sell beer or table
15 wine, or both, and whose premises proposed for licensing ~~are operated as a bona fide grocery store or a~~
16 ~~drugstore licensed as a pharmacy~~ have received approval from local building, health, or fire officials AND IF
17 OPERATED IN CONJUNCTION WITH ANOTHER BUSINESS, THAT BUSINESS MUST BE A GROCERY STORE OR DRUGSTORE
18 LICENSED AS A PHARMACY. The number of licenses that the department may issue is not limited by the provisions
19 of 16-4-105 but must be determined by the department in the exercise of its sound discretion, and the department
20 may in the exercise of its sound discretion grant or deny an application for any license or suspend or revoke any
21 license for cause.

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

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

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

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

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

