

HOUSE BILL NO. 535

INTRODUCED BY J. HAMILTON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALCOHOL LAWS PERTAINING TO PROXIMITY TO CHURCHES AND SCHOOLS; PROVIDING THAT LICENSEES MAY BE CLOSER THAN 600 FEET UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 16-3-306, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 16-3-306, MCA, is amended to read:

"16-3-306. Proximity to churches and schools restricted. (1) (a) Except as provided in subsections (2) through (4), a retail license may not be issued pursuant to this code to any business or enterprise whose premises are within 600 feet of ~~and on the same street as~~ a place of worship or a school if the occupants of the licensee's premises are visible when viewed from the place of worship or school.

(b) The distance restriction may be reduced to within 300 feet of a place of worship or a school if the occupants of the licensee's premises are not visible when viewed from the place of worship or school. A licensee under this subsection may have an outdoor seating area if the area is not open during school hours on school days.

(c) For purposes of this subsection (1), the place of worship or school must be a building used exclusively primarily as a church, synagogue, or other place of worship or as a school other than a commercially operated or postsecondary school. This ~~The~~ distance must be measured in a straight line from the center of the nearest ~~entrance~~ window of the place of worship or school to the nearest ~~entrance~~ window of the licensee's premises. This section is a limitation ~~upon~~ on the department's licensing authority.

(2) ~~However, the~~ The department may renew a license for ~~any~~ an establishment located in violation of this section if the licensee does not ~~relocate an entrance any closer than the existing entrances~~ install a window closer than the existing windows or create an area that would be visible from the outside from up to 600 feet away and if the establishment:

- (a) was located on the site before the place of worship or school opened; or
- (b) ~~was~~ has been located in a ~~bona fide~~ hotel, restaurant, or fraternal organization building at on the site

1 since January 1, 1937.

2 (3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both in the original
3 package for off-premises consumption.

4 (4) Subsection (1) does not apply within the applicable jurisdiction of a local government that has
5 supplanted the provisions of subsection (1) as provided in 16-3-309."

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7 NEW SECTION. **Section 2. Applicability.** [This act] applies to retail licenses issued on or after [the
8 effective date of this act].

9 - END -