

1 HOUSE BILL NO. 97
2 INTRODUCED BY E. BUTTREY
3 BY REQUEST OF THE DEPARTMENT OF REVENUE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ALCOHOLIC BEVERAGE LAWS;
6 REMOVING GLASSWARE AND CUPS FROM ~~PROHIBITIONS ON THE FURNISHING OF FIXTURES OR~~
7 ~~ADVERTISING MATERIALS ITEMS~~ TO RETAILERS; ~~ALLOWING LOCAL ORDINANCES TO RESTRICT THE~~
8 ~~TYPE OR VARIETY OF ALCOHOLIC BEVERAGES SOLD IN A JURISDICTION~~; REVISING ALCOHOL
9 LICENSES PERTAINING TO GOLF COURSES; REVISING LAWS RELATED TO LIQUOR STORE AGENTS
10 AND TABLE WINE; REVISING DEFINITIONS; AMENDING SECTIONS 16-3-213, 16-3-233, 16-3-241, 16-3-
11 302, ~~16-3-309~~, 16-3-316, AND 16-3-411, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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15 **Section 1.** Section 16-3-213, MCA, is amended to read:

16 **"16-3-213. Brewers or beer importers not to retail beer -- small brewery exceptions.** (1) Except
17 as provided for small breweries in subsection (2), it is unlawful for any brewer or breweries or beer importer to
18 have or own any permit to sell or retail beer at any place or premises. It is the intention of this section to prohibit
19 brewers and beer importers from engaging in the retail sale of beer. This section does not prohibit breweries
20 from selling and delivering beer manufactured by them, in original packages, at either wholesale or retail.

21 (2) (a) For the purposes of this section, a "small brewery" is a brewery that has an annual
22 nationwide production of not ~~less than 100 barrels or~~ more than 60,000 barrels, including:

- 23 (i) the production of all affiliated manufacturers; and
- 24 (ii) beer purchased from any other beer producer to be sold by the brewery.

25 (b) A small brewery may, at one location for each brewery license and at no more than three
26 locations including affiliated manufacturers, provide samples of beer that were brewed and fermented on the
27 premises in a sample room located on the licensed premises. The samples may be provided with or without
28 charge between the hours of 10 a.m. and 8 p.m. No more than 48 ounces of malt beverage may be sold or

1 to serve golfers during the course of play; and

2 (c) at any place within the boundaries of the golf course, from a portable satellite vehicle or other
3 movable satellite device that is moved from place to place, ~~whether inside or outside of a building or other~~
4 ~~structure.~~

5 (3) It is lawful to consume alcoholic beverages sold as provided in subsection (2) at any place
6 within the boundaries of the golf course, whether inside or outside of a building or other structure."
7

8 **Section 5.** Section 16-3-309, MCA, is amended to read:

9 ~~"16-3-309. Sales prohibited by ordinance. (1) An incorporated city may enact an ordinance defining~~
10 ~~certain areas in its incorporated limits where alcoholic beverages may or may not be sold. The ordinance may~~
11 ~~limit by type or variety of alcoholic beverage.~~

12 ~~(2) A county may enact an ordinance or resolution defining certain areas in the county, not within~~
13 ~~the incorporated limits of a city, where alcoholic beverages may or may not be sold. The ordinance may limit by~~
14 ~~type or variety of alcoholic beverage.~~

15 ~~(3) In enacting such an ordinance or resolution under subsection (1) or (2), the county or city may~~
16 ~~provide that the provisions of 16-3-306(1) do not apply within the jurisdictional area of the ordinance or~~
17 ~~resolution. If a county or city has supplanted the provisions of 16-3-306(1), upon on request of the department~~
18 ~~the governing body of the county or city must certify to the department whether or not the person or individual~~
19 ~~identified in the request may lawfully sell alcoholic beverages under the terms of the ordinance or resolution.~~
20 ~~The department is bound by the determination set forth in the certification.~~

21 ~~(4) No county or incorporated city may by ordinance restrict the number of licenses that the~~
22 ~~department may issue."~~

23
24 **Section 5.** Section 16-3-316, MCA, is amended to read:

25 **"16-3-316. Fundraising events for nonprofit and tax-exempt organizations.** (1) A nonprofit
26 organization governed under Title 35, chapter 2, or an organization designated as tax-exempt under the
27 provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended, may raffle or auction
28 alcoholic beverages at fundraising events. Any alcoholic beverage raffled or auctioned must be given by the