

1 HOUSE BILL NO. 455
2 INTRODUCED BY B. MITCHELL, C. KNUDSEN, K. ZOLNIKOV, R. MARSHALL, E. BUTTREY, C. HINKLE, M.
3 HOPKINS, T. BROCKMAN, J. SMALL, S. MORIGEAU, K. BOGNER, T. SMITH
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5 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE DEPARTMENT OF REVENUE'S PROHIBITION
6 ON APPROVING GELATIN CUP ALCOHOLIC BEVERAGE PRODUCTS; AND AMENDING SECTION 16-1-
7 303, MCA."
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9 WHEREAS, ARM 42.11.402 and 42.13.201 specifically prohibit the approval of gelatin cup alcoholic
10 products for use in Montana and the amendment to section 16-1-303, MCA, seeks to have the department
11 remove that prohibition.
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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15 **Section 1.** Section 16-1-303, MCA, is amended to read:

16 **"16-1-303. Department rules.** (1) The department and the department of justice may make rules not
17 inconsistent with this code necessary to efficiently administer this code.

18 (2) Rules made by the department may include but are not limited to the following:

19 (a) regulating the contractual operation of agency liquor stores and warehouses in which liquor is
20 kept or sold and prescribing the books and records to be kept;

21 (b) prescribing the duties of department employees and regulating their conduct while in the
22 discharge of their duties;

23 (c) governing the purchase of liquor and the furnishing of liquor to agency liquor stores;

24 (d) determining the classes, varieties, and brands of liquor to be available for distribution from the
25 state liquor warehouse, however, the department may not prohibit gelatin cup alcoholic beverage products that
26 are liquid at room temperature from distribution from the state liquor warehouse;

27 (e) prescribing the minimum hours during which agency liquor stores must be open for the sale of
28 alcoholic beverages;

1 may not be required to pay any expenses of the participants or of any persons engaged in the rulemaking
2 process as provided for in 2-5-110."

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4 ~~NEW SECTION. Section 2. Transition. The department of revenue is directed to remove references~~
5 ~~and prohibitions relating to gelatin cup alcoholic beverage products in ARM 42.11.402 and 42.13.201.~~

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- END -

AMENDED