

1 SENATE BILL NO. 209  
2 INTRODUCED BY G. HERTZ

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO MONTANA DISTILLERIES;  
5 REVISING HOURS OF OPERATION TO ALIGN WITH BREWERY SAMPLE ROOMS; INCREASING THE  
6 AMOUNT FOR OFF-PREMISES SALES; ~~INCREASING THE AMOUNT FOR OFF-PREMISES SALES~~; AND  
7 AMENDING SECTION 16-4-312, MCA; AMENDING SECTION 16-4-312, 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 16-4-312, MCA, is amended to read:

12 **"16-4-312. Domestic distillery.** (1) A distillery located in Montana and licensed pursuant to 16-4-311  
13 may:

- 14 (a) import necessary products in bulk;
- 15 (b) bottle, produce, blend, store, transport, or export liquor that it produces; and
- 16 (c) perform those operations that are permitted for bonded distillery premises under applicable  
17 regulations of the United States department of the treasury.

18 (2) (a) A distillery that is located in Montana and licensed pursuant to 16-4-311 shall sell liquor to  
19 the department under this code, and the department shall include the distillery's liquor as a listed product.

20 (b) The distillery may use a common carrier for delivery of the liquor to the department.

21 (c) A distillery that produces liquor within the state under this subsection (2) shall maintain records  
22 of all sales and shipments. The distillery shall furnish monthly and other reports concerning quantities and  
23 prices of liquor that it ships to the department and other information that the department may determine to be  
24 necessary to ensure that distribution of liquor within this state conforms to the requirements of this code.

25 (3) A microdistillery may:

26 (a) provide, with or without charge, not more than 2 ounces of liquor that it produces at the  
27 microdistillery to consumers for prepared servings;

28 (i) though-through curbside pickup between 10 a.m. and 8 p.m.; and

1 (ii) ~~or consumption on the for on-premises consumption during the hours of operation that are~~  
2 ~~identical to those allowed for a brewery license provided for in 16-3-213(2)(b) and corresponding administrative~~  
3 ~~rules relating to the service, consumption, and possession of alcoholic beverages on the premises between 10~~  
4 ~~a.m. and 8 p.m.;~~ or

5 (b) sell liquor in original packaging that it produces at retail at the distillery between the hours of 8  
6 a.m. and 2 a.m. directly to the consumer, including curbside pickup, for off-premises consumption if:

7 (i) not more than ~~1.75~~ 4.5 ~~1.75~~ 4.5 liters a day is sold to an individual; and

8 (ii) the minimum retail price as determined by the department is charged."

9  
10 **NEW SECTION. Section 2. Transition.** The department shall revise its administrative rules  
11 implementing 16-3-213 and 16-4-312 or any other applicable statute to include sample room hours of  
12 operations that are identical for Montana distilleries and breweries. The intent of this act is to make the hours of  
13 operation for service to and consumption and possession of alcohol by consumers at breweries and distilleries  
14 equal.

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