

**Amendment - 1st Reading-white - Requested by: Jason Small - (S) Business, Labor, and Economic Affairs**

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

SB0264.001.003

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SENATE BILL NO. 264

INTRODUCED BY K. REGIER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO AIRPORT ALL-BEVERAGES LICENSES; ALLOWING A LICENSEE TO LEASE THE AIRPORT ALL-BEVERAGES LICENSE TO UP TO THREE INDIVIDUALS OR ENTITIES; ESTABLISHING PROVISIONS FOR LICENSEES; AMENDING AN AIRPORT'S MINIMUM TOTAL ANNUAL PASSENGERS TO QUALIFY FOR THE LICENSE; ELIMINATING CURBSIDE PICKUP; AND AMENDING SECTION SECTIONS 16-3-312 AND 16-4-208, MCA."

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

**Section 1.** Section 16-3-312, MCA, is amended to read:

**"16-3-312. Curbside pickup.** (1) Licensed entities and agency liquor stores provided under subsection (3) may offer curbside pickup.

(2) Curbside pickup constitutes the sale of alcoholic beverages in original packaging, prepared servings, or growlers that was ordered online or through the phone for pickup from the licensee or agency liquor store during normal business hours and within 300 feet of the licensed premises or agency liquor stores, including a drive-through window. Curbside pickup is intended for consumption somewhere other than the pickup location. It is not intended for delivery to residences or other businesses, including but not limited to restaurants or hotels.

(3) This only applies to licenses issued under 16-3-213, 16-3-214, 16-3-411, 16-4-105, 16-4-110, 16-4-115, 16-4-201, ~~16-4-208~~, 16-4-209, 16-4-213, 16-4-312, and 16-4-420, and agency liquor stores under 16-2-101."

**Section 2.** Section 16-4-208, MCA, is amended to read:

**"16-4-208. Airport all-beverages license.** (1) The department of revenue shall issue one all-beverages license, to be known as a public airport all-beverages license, for use at each publicly owned airport

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1 served by scheduled airlines and enplaning and deplaning a minimum total of ~~20,000~~ 5,000 passengers  
2 annually when:

3 (a) application is made;

4 (b) upon finding that this license is justified by public convenience and necessity, including the  
5 convenience and necessity of the public traveling by scheduled airlines; and

6 (c) following a hearing as provided in 16-4-207.

7 (2) Application must be made by the agency owning and operating the airport. The agency owning  
8 and operating the airport may lease the airport all-beverages license to an individual or entity up to three  
9 individuals or entities approved by the department.

10 (3) The lessee of an airport all-beverages license may purchase alcohol and the lease may be  
11 based on the percentage of sales of alcoholic beverages by the lessee. ~~The lessee has the same rights and~~  
12 privileges as an airport all-beverage license issued under this section, and, in the event of a violation, is subject  
13 to reprimand, suspension of the lessee's alcohol operations, or a civil penalty not to exceed \$1,500 as provided  
14 for a retail licensee under 16-4-406.

15 (3)(4) A public airport all-beverages license and all retail alcoholic beverage sales under it are subject  
16 to all statutes and rules governing all-beverages licenses, except for the provisions for curbside pickup as  
17 allowed under 16-3-312.

18 (4)(5) The department of revenue shall issue a public airport all-beverages license to a qualified  
19 applicant regardless of the number of all-beverages licenses already issued within the all-beverages license  
20 quota area in which the airport is situated.

21 (5)(6) ~~A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in~~  
22 ~~original packaging, prepared servings, or growlers."~~

23 - END -