

1 SENATE BILL NO. 543

2 INTRODUCED BY E. BOLDMAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING OFF-PREMISES BEER AND WINE LICENSES TO
5 DELIVER BEER AND WINE; PROVIDING FOR LICENSING BY THE DEPARTMENT OF REVENUE;
6 PROVIDING FOR PAYMENT OF A FEE; AND AMENDING SECTION 16-4-115, MCA."

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

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10 **Section 1.** Section 16-4-115, MCA, is amended to read:

11 **"16-4-115. Beer and wine licenses for off-premises consumption -- delivery.** (1) A retail license to
12 sell beer or table wine, or both, in the original packages for off-premises consumption may be issued only to a
13 person, firm, or corporation that is approved by the department as a person, firm, or corporation qualified to sell
14 beer or table wine, or both. If the premises proposed for licensing are operated in conjunction with another
15 business, that business must be a grocery store or drugstore licensed as a pharmacy. The number of licenses
16 that the department may issue is not limited by the provisions of 16-4-105 but must be determined by the
17 department in the exercise of its sound discretion, and the department may in the exercise of its sound
18 discretion grant or deny an application for any license or suspend or revoke any license for cause.

19 (2) ~~Upon~~On receipt of a completed application for a license under this section, accompanied by
20 the necessary license fee as provided in 16-4-501, the department shall request that the department of justice
21 make a background investigation of all matters relating to the application.

22 (3) Based on the results of the investigation or in exercising its sound discretion as provided in
23 subsection (1), the department shall determine whether:

24 (a) the applicant is qualified to receive a license;

25 (b) the applicant's premises are suitable for the carrying on of the business; and

26 (c) the requirements of this code and the rules promulgated by the department are met and
27 complied with.

28 (4) License applications submitted under this section are not subject to the provisions of 16-4-203

Amendment - 2nd Reading-yellow - Requested by: Willis Curdy - (S) Committee of Whole

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

SB0543.002.001

1 and 16-4-207.

2 (5) A license issued under this section may offer curbside pickup between 8 a.m. and 2 a.m. in
3 original packaging.

4 (6) A grocery store with a license to sell beer and TABLE wine in original packaging may apply to
5 the department and pay a fee for an endorsement to, with the licensee's own agents or employees who are 21
6 years of age or older, deliver beer and TABLE wine in original packaging if the delivery includes groceries in their
7 original packaging or food that is prepared by the licensee at the licensee's premises. The purchase price of the
8 delivered beer and TABLE wine may not exceed the purchase price of the delivered food. Deliveries under this
9 subsection may be made only to a residential or commercial address."

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