

HOUSE BILL NO. 424

INTRODUCED BY J. POMNICHOWSKI

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING WINE TASTING EVENT PERMITS ON THE PREMISES OF CERTAIN RETAILERS LICENSED FOR THE SALE OF TABLE WINE FOR OFF-PREMISES CONSUMPTION; ESTABLISHING REQUIREMENTS FOR WINE-TASTING EVENT PERMITS; PROVIDING PENALTIES; AND AMENDING SECTION 16-4-115, MCA."

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

NEW SECTION. **Section 1. Wine tasting event -- off-premises wine retailers.** (1) A person that meets the requirements of subsection (3) and is licensed to sell table wine in the original packages for off-premises consumption under 16-4-115 may hold tasting events, consistent with the license, for table wine at the licensed premises as provided in this section.

(2) The licensee may hold up to 12 tasting events in a calendar year.

(3) To obtain a permit for a tasting event, a licensee allowed to sell table wine under 16-4-115 for off-premises consumption:

(a) shall submit an application on forms provided by the department and provide documentation to the department that more than one-half of the annual gross revenue of the licensed premises in the previous calendar year was the result of the sale of table wine;

(b) must have a license in good standing for the sale of table wine for off-premises consumption; and

(c) shall at the department's request provide proof of compliance with Title 16, chapter 4, part 10, for individuals who are to serve table wine at the tasting event.

(4) If a licensee under 16-4-115 qualifies under subsection (3), the department shall issue an annual permit that contains places for 12 dates for tasting events. Prior to each tasting event, the licensee shall write the date of that tasting event on the appropriate place on the permit and post the permit in a conspicuous place where the tasting event is held on the licensed premises.

(5) Failure to post the permit or failure to enter the date on the permit as required under subsection (4) is an offense under this chapter and is punishable by a \$500 fine for a first offense of either failure to post the permit or failure to enter a date. Subsequent offenses are punishable as provided in 16-6-314. Failure to obtain



1 a permit prior to holding a tasting event is punishable as provided in 16-6-314.

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3 **Section 2.** Section 16-4-115, MCA, is amended to read:

4 **"16-4-115. Beer and wine licenses for off-premises consumption -- tasting events.** (1) A retail
5 license to sell beer or table wine, or both, in the original packages for off-premises consumption may be issued
6 only to a person, firm, or corporation that is approved by the department as a person, firm, or corporation qualified
7 to sell beer, ~~or~~ table wine, or both, and whose premises proposed for licensing are operated as a bona fide
8 grocery store or a drugstore licensed as a pharmacy. The number of licenses that the department may issue is
9 not limited by the provisions of 16-4-105 but must be determined by the department in the exercise of its sound
10 discretion, and the department may in the exercise of its sound discretion grant or deny an application for any
11 license or suspend or revoke any license for cause.

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

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

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

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

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

21 (4) License applications submitted under this section are not subject to the provisions of 16-4-203 and
22 16-4-207.

23 (5) If the premises proposed for licensing under this section are a new or remodeled structure, the
24 department may issue a conditional license prior to completion of the premises upon reasonable evidence that
25 the premises will be suitable for the carrying on of business as a bona fide grocery store or a drugstore licensed
26 as a pharmacy.

27 (6) The holder of a license to sell table wine as provided in this section may conduct a tasting event
28 under the provisions of [section 1]."

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30 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 16, chapter 4, part 3, and the provisions of Title 16, chapter 4, part 3, apply to [section 1].

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