

1 HOUSE BILL NO. 524

2 INTRODUCED BY C. CLARK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING A REQUIREMENT THAT RETAIL LICENSES FOR
5 SELLING BEER OR WINE FOR OFF-PREMISES CONSUMPTION BE OPERATED AS A BONA FIDE
6 GROCERY STORE OR A DRUGSTORE LICENSED AS A PHARMACY; AND AMENDING SECTION 16-4-115,
7 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 16-4-115, MCA, is amended to read:
12 **"16-4-115. Beer and wine licenses for off-premises consumption.** (1) A retail license to sell beer
13 or table wine, or both, in the original packages for off-premises consumption may be issued only to a person, firm,
14 or corporation that is approved by the department as a person, firm, or corporation qualified to sell beer or table
15 wine, or both, and whose premises proposed for licensing ~~are operated as a bona fide grocery store or a~~
16 ~~drugstore licensed as a pharmacy~~ have received approval from local building, health, or fire officials. The number
17 of licenses that the department may issue is not limited by the provisions of 16-4-105 but must be determined by
18 the department in the exercise of its sound discretion, and the department may in the exercise of its sound
19 discretion grant or deny an application for any license or suspend or revoke any license for cause.

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

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

- 25 (a) the applicant is qualified to receive a license;
- 26 (b) the applicant's premises are suitable for the carrying on of the business; and
- 27 (c) the requirements of this code and the rules promulgated by the department are met and complied
28 with.

29 (4) License applications submitted under this section are not subject to the provisions of 16-4-203 and
30 16-4-207.

1 (5) If the premises proposed for licensing under this section are a new or remodeled structure, the
2 department may issue a conditional license prior to completion of the premises upon reasonable evidence that
3 the premises will be suitable for the carrying on of business ~~as a bona fide grocery store or a drugstore licensed~~
4 ~~as a pharmacy.~~"
5 - END -