

# The Off-Premises Beer and Table Wine Licenses



**What is an off-premises beer and table wine license?**

**How do I get one?**

**What can I do with it?**

# What is an off-premises beer and table wine license?

The Department of Revenue (DOR) Alcoholic Beverage Control Division (ABCD) issues off-premises beer and table wine licenses that allow the licensee to sell beer and table wine in original packaging at retail for off-premises consumption between 8 a.m. and 2 a.m.

You have the option with this license to sell beer only, table wine only, or sell both beer and table wine. Table wine is a wine that contains less than 16% alcohol by volume (abv).

The term off-premises beer and wine license means a stand-alone beer and table wine specialty store, a grocery store, or a drug store licensed as a pharmacy throughout the rest of this booklet unless otherwise specified:

**Stand-alone beer and table wine specialty store:** If the license operates as a specialty store, 95% of its gross income must come from beer and table wine sales.

**Grocery stores:** If the license operates as a grocery store, it must maintain a \$3,000 inventory of at least three of each of the following:

- meats
- vegetables
- fruits
- bakery items
- dairy products
- household items

**Drug store licensed as a pharmacy:** If the license operates as a drug store, it must have a pharmacy license.

## Where do I start?

You may apply electronically by clicking here at the [eStop Business License](#) website.

If you do not already have an eStop account, you will need to create one. Then click on "License a New eStop Business".



## What are the associated costs?

- One-time off-premises beer and table wine license processing fee: **\$200**.
- Annual off-premises beer license: **\$200**.
- Annual off-premises table wine license: **\$200**.
- Annual off-premises beer and table wine license: **\$400**.
- Fingerprint card fee for each individual with 15% or more ownership interest in the business: **\$30 each**. *Price subject to change.*



## What do I need to apply?

### When applying for an off-premises beer and table wine license, provide the following general information:

- A completed eStop Master Application.
- A completed Beer and Wine License Application (Retail Off-Premises Consumption).
- [Temporary Operating Authority \(TOA\) form](#) requesting to operate before approval (for a maximum of 180 days) (online applications only and some restrictions apply).
- Copy of grocery inventory or pharmaceutical license, if applicable.
- A completed [ABCD Authorization to Disclose Tax Information Form](#) for each individual with ownership over 15% and the applying entity for the purchaser of the license.
- A floor plan that includes but is not limited to the following: the business name, physical address, license number (if known), areas where alcoholic beverages are sold, alcohol storage area(s), external dimensions, entryways, and other customer service areas. Only submit an 8 ½" x 11" size copy of the floor plan. See the [Floor Plan Specifications Fact Sheet](#) for more details.

### When applying for an off-premises beer and table wine license, provide the following financial information showing the “intent to purchase” the alcoholic beverage license (if buying an existing license), inventory and building, if applicable:

NOTE: DO NOT exchange funds for the alcoholic beverage license beyond earnest money of up to 5 percent of the license price without ABCD TA or license approval.

- Copies of any loan agreements, contracts, notes, and all related security agreements, guarantees, and trust indentures.
- If funds come from somewhere other than a loan, provide the last 6 months of bank statements from the bank account used to pay for the alcoholic beverage license, building, and/or start-up operating funds for the business.
- Other sources of funding:
  - File the [Non-Institutional Loan \(NIL\) Form](#) with the application if any lenders or other sources of financing are not state or federally-regulated financial institutions, including gifting statements.
  - [Personal Criminal History Statement Form](#) for each NIL. Two fingerprint cards and fees for each NIL.
- Copies of lease, rent, purchase options, financing agreements, or other evidence showing possessory interest in the building.
- Financial statements, such as a balance sheet, income statement, or tax return for the business. If it is a new business, projected balance sheet(s), and income statements are acceptable.
- Copy of business's bank signature card.
- Purchase/transfer documents for the alcoholic beverage license, such as a buy/sell agreement, contract for deed, warranty deed, and bill of sale, if applicable.

**When applying for off-premises beer and table wine license, you need to provide the following ownership information (based on entity type applying), including:**

- Copy of partnership agreement documentation.
- Copy of articles of incorporation and amendments or addenda.

- Copy of bylaws and amendments or addenda.
- Copy of Certificate of Fact (for LLCs and LLPs).
- LLC organizational information.
- Copy of stock certificates, corporate minutes, and attachments.
- Stock ledger or register.
- Certificate of existence (for in-state corporations).
- Copy of authority to conduct business in Montana (for out-of-state corporations).
- Copy of documentation from the Secretary of State verifying approved assumed business name (ABN).
- Copy of federal employer identification number (FEIN) verification from IRS.
- Completed [Personal Criminal History Statement Form](#) for each individual with 15% or more ownership interest in the business. Two fingerprint cards and fees for each individual with 15% or more ownership interest in the business.



## When applying for an off-premises beer and table wine license, you need to provide the following management information, including:

- [Location Manager Form](#) (if someone other than an owner over 15% is managing the business).
- [Personal Criminal History Statement Form](#) for each location manager.
- Two fingerprint cards and fees for each location manager.

## What are the steps in the application process?

- The application process takes an average of 45 days and begins when a complete application package with all supporting documents is received.
- Application is then reviewed by the ABCD.
- Applicant will receive a letter requesting any additional documents, if needed.
- ABCD notifies local agencies with jurisdiction over the premises area of the application in process.
- Before final approval of any new location, it is the responsibility of the applicant(s) to contact local building, health, and fire code officials to schedule inspections. ABCD may not approve an application until:
  - o Local officials give notice to ABCD that the licensed premises meet their requirements.
  - o A background check of the applicant(s) and a premises inspection is conducted so ABCD can verify the applicant(s) and location meet suitability requirements.
- ABCD conducts a final review of the application. If necessary, any additional or closing documents may be requested.
- Final approval is granted when the licensing specialist



receives all finalized documents, inspections, and any outstanding issues or violations (if any) have been resolved.



## What are the rules for an off-premises beer and table wine license?

- All licensees, their agents, and employees must conduct the licensed premises in compliance with all:
  - Alcohol-related provisions of the laws of Montana (Montana Code Annotated [MCA] Title 16 and the United States Code of Federal Regulations [CFR]).
  - County and city or town ordinances.
  - Indian alcohol beverage laws applicable within the areas of Indian Country.
  - Administrative Rules or Montana (ARMs) for the Department.
- Title 16 and the ARMs can be found on our website [here](#) under Links and Information.
- All licensees must keep up on any changes to Title 16

MCA's and the ARM's.

- **NOTE:** these may change from time to time. Contact ABCD if there are any questions.



## An off-premises beer and table wine licensee **MAY:**

- Sell beer and table wine between 8 a.m. and 2 a.m. for off-premises consumption.
- Sell cans and crowlers (canned growlers) of beer received directly from a brewery in their original packaging.
- Sell kegs of beer in their original packaging for off-premises consumption.
- Only sell and store beer that comes from a beer wholesaler and brewery and table wine that comes from a table wine distributor and winery.
- Be closed for up to 90 consecutive days without

department approval. However, you must fill out a [Nonuse Form](#) and be approved by ABCD to be closed longer than 90 days. See the [Nonuse Fact Sheet](#). Also, you may not enjoy any benefits of the license including, but not limited to, ordering products when on nonuse status.

- Sell non-alcoholic (NA) type products if they are not over .5% abv.

## **An off-premises beer and table wine licensee may NOT:**

- Lock premises doors while there are still customers inside.
- Accept money from a distributor to advertise.
- Allow anyone (licensee, employee, customer) to consume alcoholic beverages on the licensed premises.
- Allow any alcoholic products you did not purchase from a beer wholesaler, table wine distributor, brewery, or winery on the licensed premises. **Exception:** You may purchase beer and wine in original packaging from another licensed retailer up to 6 gallons per day.
- Move product between locations if you own more than one license. **Exception:** You may purchase beer and wine in original packaging from another licensed retailer up to 6 gallons per day. Keep your purchase receipts on file.
- Sell alcoholic beverages through vending machines or third-party deliveries.
- Deliver alcoholic beverages.
- Own any interest in a manufacture license, agency liquor store or wholesaler/distributor license.
- Manage a wholesaler/distributor license, agency liquor store or manufacturer license.

## **An off-premises beer and table wine licensee MUST:**

- Give law enforcement access to their licensed premises at

all times.

- Pay for beer purchased from brewery and beer wholesaler within 7 days.
- Pay for table wine purchased from winery and table wine distributor within 7 days.
- Notify the department when there is a change in a location manager within 30 days of hire for your alcoholic beverage business. See the [Location Manager Fact Sheet](#) on our website.
- Notify the department regarding most changes to the existing license BEFORE the change occurs. Contact your [ABCD Licensing Specialist](#) with questions.
- Ensure all employees and their immediate supervisors who serve or sell alcoholic beverages:
  - Have completed and passed the state-approved Responsible Alcohol Sales and Service (RASS) training within 60 days of hire.
  - Complete RASS renewal training every three years.
  - [Click here](#) to find out if someone is server-trained. You must know their name and birthdate.

You may find a list of approved training providers at [www.AlcoholServerTraining.mt.gov](http://www.AlcoholServerTraining.mt.gov).

## Miscellaneous:

- Additional fees for this type of license may be charged by local city and county agencies.
- All license renewal fees are due whether the license is on nonuse status or active.
- **Alterations**
  - If you decide to remodel your establishment, you must send ABCD an [Alteration Request Form](#) along with a copy of the existing [floor plan](#) and a proposed floor plan showing the alterations **before** starting the

alteration. Once the Department reviews and approves the request, you may begin the alteration without it affecting your license. You may request to have your license placed on a [nonuse status](#) while under construction. You may not use the new premises area(s) until the department has approved them and they have passed building, health, fire, and a premises inspections. **Exception:** In certain cases, pre-approval is not required. Contact ABCD if you are unsure.

- o Not sure if your “remodel” is considered an alteration, [Contact your Licensing Specialist.](#)



- **Seasonal Status**

- o If you would like to operate a license on a seasonal basis, you must send a written request to the department that includes justification for operating seasonally and the general dates of operation.

- o If approved, the license closure is only effective from the date of the department’s letter of authorization through the end of the specified period. Notify the department before changing general dates of operation.
  - o Your license will reflect your general dates of operation.
  - o You may NOT
    - Operate during your “off season”.
    - Order and receive deliveries during your “off season”. **Exception:** You may order product to restock for your season to start.
- **Non-Contiguous Storage of Alcohol**
    - o A licensed retailer may apply for one noncontiguous alcoholic beverage storage area within 10 miles of their licensed premises.
    - o Apply for approval **before** using the new storage area.
    - o The noncontiguous alcoholic beverage storage area request form is found [here](#).
    - o When approved a new license will be issued with your non-contiguous storage information listed on the front.

## Applicable Definitions:

**Alcoholic Beverage** means a compound produced and sold for human consumption as a drink that contains more than 0.5 percent of alcohol by volume.

**Beer** means a malt beverage containing not more than 8.75% alcohol content by volume or an alcoholic beverage containing not more than 14% alcohol by volume:

- that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
- in which the sugars used for fermentation of the

alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.

- the term does not include a caffeinated or stimulant-enhanced malt beverage.

**Hard Cider** means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% of alcohol by volume and not more than 8.5% of alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.

**Liquor** means an alcoholic beverage except beer and table wine. If beer and table wine deviate from their specific definition, then it defaults to the liquor definition. The term includes a caffeinated or stimulant-enhanced malt beverage.

**Non-institutional lender** means a person other than a state or federally-regulated banking or financial institution, a credit union, an investment company, a development company, or other regulated lender as defined in [31-1-111, MCA](#), who loans money to the applicant for a license or to the licensee.

**Table Wine** means wine that contains not more than 16% alcohol content by volume and includes hard ciders.

**Questions?** Contact an [ABCD Licensing Specialist](#) for more information.



# ALCOHOLIC BEVERAGE CONTROL DIVISION

## MONTANA

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MT 59624  
Phone: (406) 444-6900  
Fax: (406) 444-0722

Website: [Alcoholic Beverage Control - Montana Department of Revenue \(mtrevenue.gov\)](https://mtrevenue.gov)

Forms: [Forms - Montana Department of Revenue \(mtrevenue.gov\)](https://mtrevenue.gov)

Online Applications: [TAP](#)

Fact Sheets: [https://mtrevenue.gov/dor-publications/liquor-publications/#FactSheetsEmail ABCD](https://mtrevenue.gov/dor-publications/liquor-publications/#FactSheetsEmailABCD)

Email Outreach & Education - [DORABCD-O&E@mt.gov](mailto:DORABCD-O&E@mt.gov)

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