

A prepared serving is a container of an alcoholic beverage(s), filled at the time of sale and secured with a lid. The prepared serving is intended for consumption somewhere other than on the licensee's premises or pickup location. It may not be considered a prepared serving if the lid of the container looks like it was "factory sealed" by a manufacturer.

All motorists must adhere to the Montana open container law. An open alcoholic beverage container is a bottle, can, jar, or other receptacle containing any amount of an alcoholic beverage(s) that is open, has a broken seal, or the contents are partially removed (see below for MCA).

## ON-PREMISES RETAIL LICENSE SPECIFIC

### Allowed:

- Must be prepared and filled at the time of the sale.
- Must use a container sealed with a lid.
- There is no size limit on the container or amount of alcohol.
- All-beverage licensees may sell drinks with liquor in to-go cups with lids only (federal regulations do not allow retailers to bottle or can the distilled spirit drinks).
- Restaurant beer and wine (RBW) licensees may sell prepared servings. Food must be purchased at the same time, as stated on the bill, and may only be sold between the hours of 11 a.m. and 11 p.m.
- If labeling a prepared serving, you may include, but not required:
  - Name of the establishment.
  - List of ingredients, including the name brand of the distilled spirit, beer, and/or wine.
  - The wording: "Mixed by...", "Blended by...", "Prepared by...", etc.
  - Name of the cocktail.
- Industry members (breweries, wineries, distilleries, wholesalers) may sell cups to retailers if the cups are being sold at a price not less than the cost to the industry member who initially purchased them.

### Not Allowed:

- May not prefill or prepare the servings before the sale.
- May not bottle or can the drinks with liquor (per Federal guidelines).
- May not refill liquor bottles.
- May not consume prepared servings on licensed premises.
- Labeling may not include:
  - Anything suggesting the product was manufactured/produced at the on-premises establishment and misleading the public to believe the on-premises establishment is a manufacturer.
  - The wording: "Manufactured by...", "Canned by...", "Created by...", "Bottled by...", "Produced by...", "Handcrafted by...", etc.

## MANUFACTURE LICENSE SPECIFIC

### Allowed:

- Must be prepared and filled at the time of the sale.
- Must use a container sealed with a lid.
- There is no size limit on the container or amount of alcohol except noted regarding breweries and distilleries. NOTE: **Brewery and distillery licenses all** prepared servings count towards sample room limits and may only be sold between the hours of 10 a.m. and 8 p.m.
- Distilleries may can cocktails with distilled spirits (AKA ready to drink [RTD]). However, the distillery must go through the federal and state product and labeling process for RTDs.
- Industry members (breweries, wineries, distilleries) may sell cups to retailers if the cups are being sold at a price not less than the cost to the industry member who initially purchased them.

### Not Allowed:

- May not prefill or prepare before the sale. Approved RTDs by distillers are an exception and are not considered prepared servings; they are considered original packaging.
- May not consume prepared servings on the licensed premises.
- May not exceed sample room limits:
  - Breweries are limited to no more than 48 oz per person per day.
  - Distilleries are limited to no more than 2 oz per person per day.

## LICENSE TYPES NOT ABLE TO OFFER PREPARED SERVINGS TO GO:

- Off-premises.
- Golf course beer/wine.
- Nonprofit arts.
- Yellowstone Airport beer/wine.
- Montana Heritage.
- Sacramental wine.
- Academic brewer (FVCC & MSU-Billings).
- Continuing Care Retirement Center.
- Beer wholesaler and table wine distributor.
- Manufacturers without sample rooms.
- Breweries producing more than 60,000 barrels annually nationwide.
- Distilleries producing more than 200,000 proof gallons of liquor annually.

---

All licensees must comply with all Federal and Montana alcoholic beverage laws and rules.

SECTIONS [16-1-106](#), [16-2-106](#), [16-3-213](#), [16-3-214](#), [16-3-219](#), [16-3-303](#), [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](#), [16-4-418](#), AND [16-4-420](#), MCA.

[61-8-1026](#) and [61-8-461](#), MCA–Open container law and definitions.

[27 CFR § 6.88](#)–Equipment and supplies

[27 CFR § 31.204](#) and [27 CFR § 31.233](#)–Mixed cocktails and Mixing cocktails in advance of sale

[4.2024](#) Please note that the information in department communications may have been modified, superseded, or made obsolete by changes in federal or state law or the Administrative Rules of Montana. If you need to verify the current validity of this fact sheet or have any questions, please contact us at [DORABCD-O&E@mt.gov](mailto:DORABCD-O&E@mt.gov).

Scan QR code for more fact sheets

