

HOUSE BILL NO. 491

INTRODUCED BY K. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO CONTINUING CARE RETIREMENT COMMUNITY LICENSES; PROVIDING FOR DELIVERY OF ALCOHOL; PROVIDING FOR MULTIPLE CAMPUSES; PROVIDING FOR VARIOUS BUILDINGS OR STRUCTURES AT THE CONTINUING CARE RETIREMENT COMMUNITY; PROVIDING DEFINITIONS; AMENDING ~~SECTION~~ SECTIONS 16-3-302, 16-4-315, AND 16-4-1005, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 16-3-302, MCA, is amended to read:

"16-3-302. Sale by retailer for consumption on premises. (1) It is lawful for a licensed retailer to sell and serve beer, either on draft or in containers, to the public to be consumed on the premises of the retailer.

(2) It is lawful for a licensee who has an all-beverages license that the licensee uses at a golf course to sell alcoholic beverages and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine:

(a) in the building or other structural premises constituting the clubhouse or primary indoor recreational quarters of the golf course;

(b) upon department approval and submission of a fee, in an additional building or other structure, one per 9 holes of the golf course, that is designed to serve golfers during the course of play; and

(c) at any place within the boundaries of the golf course, from a portable satellite vehicle or other movable satellite device that is moved from place to place.

(3) It is lawful to consume alcoholic beverages sold as provided in subsection (2) at any place within the boundaries of the golf course, whether inside or outside of a building or other structure.

(4) (a) It is lawful for a licensee who has an all-beverages license or a resort area all-beverages license to sell alcoholic beverages:

(i) in the building or other structural premises constituting the primary indoor lodging quarters of a hotel or other short-term lodging facility;

(ii) if the licensee's premises include a swimming pool, in a permanent, licensed alcohol service structure in the swimming pool area separate from the main licensed premises;

(iii) if the licensee's premises include a ski hill, in up to two permanent, licensed alcohol service structures separate from the main licensed premises within the exterior boundaries of the same premises that are owned, leased, or otherwise under the control of and operated by the same property owner, licensee, and if applicable, concessionaire;

(iv) if the licensee's premises include a golf course, the premises in addition to the main licensed premises may include:

(A) the building or alcohol service structure constituting the clubhouse or primary recreational quarters of the golf course that is separate from the main licensed premises; and

(B) the outdoor area within the boundaries of the golf course.

(b) Buildings or structural premises allowed under this subsection (4) may be separate from the building comprising the main licensed premises but must otherwise meet the premises suitability requirements of 16-3-311. The licensee shall pay an application fee of \$100 for each area allowed under this subsection (4).

(5) (a) It is lawful for a licensee who has an all-beverages license or has a retail license issued under 16-4-105 to sell and serve alcoholic beverages for which the licensee is licensed at a guest ranch as defined in 16-1-106. The guest ranch must be owned by the licensee or by a concessionaire with which the licensee has a concession agreement under 16-4-418. For a license operated at a guest ranch, alcoholic beverages may be served anytime within the outdoor portions of the licensed premises and in one permanent building at any time during the hours allowed under 16-3-304.

(b) An applicant or licensee desiring to operate a license as described in this subsection (5) shall submit to the department a premises floorplan that describes the premises as a guest ranch and depicts both the indoor and outdoor portions of the premises. The floorplan must be submitted to the department as part of a license application or as part of a premises alteration request as described in 16-3-311(2).

(c) A license operated at a guest ranch is subject to the requirements that are applicable to retail licenses generally, including the premises suitability provisions of 16-3-311, except that:

(i) the premises may include any number of temporary, mobile, or partial structures, including but not limited to tents, teepees, yurts, picnic shelters, recreational vehicles, wagons, trailers, or any other structures that are not permanent buildings, provided that all temporary, mobile, or partial structures may not be used for alcohol storage purposes unless approved by the department, and may only be used for alcohol service and consumption if they remain within the licensee's approved outdoor premises area;

(ii) the premises may include any outdoor areas in which the licensee or concessionaire has possessory interest, which may be demonstrated by property ownership records, a lease agreement, a concession agreement, or other evidence of possessory interest acceptable to the department;

(iii) the premises may be separated by roadways, waterways, natural barriers, or fence lines if the premises are otherwise contiguous;

(iv) a perimeter barrier is not required if the property line is otherwise marked; and

(v) the premises may be identified on the license by legal description rather than by building address.

(d) For the purposes of this subsection (5), the term "permanent building" means a fixed, nonmobile structure with floor-to-ceiling exterior walls, a full roof, electrical wiring, and plumbing fixtures.

(6) It is lawful for a licensee who has an all-beverages continuing care retirement community license to sell alcoholic beverages at multiple service locations on the campus as provided in 16-4-315."

Section 2. Section 16-4-315, MCA, is amended to read:

"16-4-315. Limited all-beverages license for continuing care retirement communities -- requirements -- rulemaking -- definitions. (1) A continuing care retirement community may apply to the department for ~~a~~ limited, nontransferable all-beverages license that is licenses provided that each license is approved for only one campus that meets the requirements of this section and are exempt from the quota under 16-4-201 if the following conditions are met:

(a) the applicant meets the requirements of 16-4-401, complies with 16-4-207 and 16-4-402, and pays an application fee of \$500, which constitutes the first annual license fee. If an application is denied, the department shall refund 75% of the application fee. Annual license renewal fees are as provided in 16-4-501.

(b) the continuing care retirement community has a central dining area at which the alcoholic

1 beverages may be served or purchased for on-premises consumption;

2 (c) the serving hours for alcoholic beverages are within the hours of 11 a.m. to 8 p.m.;

3 (d) those serving the alcoholic beverages must be 18 years of age or older and have completed

4 the responsible server and sales training program as provided in 16-4-1005; and

5 (e) those purchasing the alcoholic beverages must be residents of the continuing care retirement

6 community or guests of a resident of the continuing care retirement community.

7 (2) The limited all-beverages license for a continuing care retirement community does not

8 authorize gaming or gambling under Title 23, chapter 5, parts 3, 5, or 6, but may allow live bingo or keno if the

9 continuing care retirement community is authorized under 23-5-405 for live bingo and keno and complies with

10 Title 23, chapter 5, part 4.

11 (3) The limited all-beverage license does not allow sale of an alcoholic beverage for off-premises

12 consumption, is subject to 16-3-241, and does not entitle the licensee to a catering endorsement under 16-4-

13 204.

14 (4) This section does not ban from the continuing care retirement community's residential areas

15 the residents' possession of alcoholic beverages otherwise obtained.

16 (5) For a license issued under this section, a licensee shall inform the department before making

17 deliveries that the licensee intends to deliver alcohol to a continuing care retirement community to residents'

18 individual living units, which may include separate cottages or townhomes, within the designated continuing

19 care retirement community campus as long as the purchaser is verified to be a current resident of the

20 continuing care retirement community.

21 (6) (a) It is lawful for a licensee approved under this section to sell alcoholic beverages as follows:

22 (i) in multiple alcohol service locations separately from the main licensed premises as long as

23 those service locations are on the campus, include food service, and are owned, leased, or otherwise under the

24 control of and operated by the licensee;

25 (ii) on patios, decks, or controlled lawn areas on the campus immediately adjacent to the building

26 in which a license is established. All exterior service locations must have either a natural or artificial boundary

27 that is controlled for access.

28 (iii) if the licensee's campus includes a swimming pool in or adjacent to a permanent, licensed

alcohol service area, in the swimming pool area separate from the main licensed premises.

(b) Buildings or structural premises allowed under this subsection (6) may be separate from the building comprising the main licensed premises but must otherwise meet the premises suitability requirements specified in 16-3-311.

(7) If a continuing care retirement community campus has two or more approved service buildings within the boundaries of the campus, the licensee may also apply to use one noncontiguous storage area to be located within that campus if it meets all requirements to ensure the secure storage of alcoholic beverages and prevent onsite consumption of alcoholic beverages.

(5)(8) The department may make rules to implement this section as necessary to recognize the combination of individual residences and communal areas that a continuing care retirement community represents.

(6)(9) For the purposes of this section, the following definitions apply:

(a) (i) "Campus" means a contiguous area of land in which a continuing care retirement community is operating, consisting of at least one residential facility that provides a graduated level of care. The term may include other facilities that only provide independent living options for individuals 55 years of age or older.

(ii) For the purposes of this section:

(A) a continuing care retirement community licensee may operate multiple continuing care retirement community licenses, so long as each license is approved for only one campus that meets all of the requirements of this section; and

(B) a continuing care retirement community licensee's campus must have a primary address, although licensed buildings and a noncontiguous storage area located on the campus may have differing addresses as appropriate for the campus.

(a)(b) "Continuing care retirement community" means a residential facility on one campus under the same operator that:

(i) is administered under professional licensure by the department of public health and human services; and

(ii) provides to individuals 55 years of age or older an independent living option and a graduated level of care. The graduated level of care, as defined in this section, may include an assisted living facility, as

defined in 50-5-101.

(c) (i) "Dining area" means an area designated on a floor plan submitted by the applicant in conjunction with an application for a continuing care retirement community all-beverage license where food is offered to residents of a continuing care retirement community and alcohol may be served.

(ii) For the purposes of this subsection (9)(c), the term:

(A) must be interpreted to allow for more than one drink preparation area in the dining area and to allow a continuing care retirement community to have more than one dining area on campus; and

(B) may not be required to include a kitchen facility, kitchen appliances, or similar food preparation areas so long as one dining area within the campus has a kitchen and food preparation area.

(d) (i) "Graduated level of care" means a campus that provides more than one level of care.

(ii) Options for levels of care on a campus may include but are not limited to the following:

(A) independent living;

(B) short-term rehabilitation and nursing care; and

(C) an assisted living facility as defined in 50-5-101.

(b)(e) "Guest" means an individual who is either the nonresident spouse of a resident of the continuing care retirement community or an individual invited by a resident.

(e)(f) "On-premises" means within the confines of the continuing care retirement community campus."

Section 3. Section 16-4-1005, MCA, is amended to read:

"16-4-1005. Licensees required to ensure training. (1) A licensee shall:

(+)(a) require each employee who is authorized to sell, serve, or deliver alcoholic beverages in the normal course of employment and the employee's immediate supervisor to successfully complete training to ensure compliance with state law regarding the sale and service of alcoholic beverages. The training must be completed within 60 days of the employee's date of hire and every 3 years after the employee's initial training.

(2)(b) maintain employment records verifying employee completion of the training required in subsection (1)(a).

(2) A licensee may apply to the department to allow for the delivery of alcohol to a continuing care

Amendment - 1st Reading-white - Requested by: Katie Zolnikov - (H) Business and Labor

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Drafter: Jameson Walker,

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1 retirement community residents' individual living units, which may include separate cottages or townhomes,
2 within the designated continuing care retirement community campus under 16-4-315 as long as the purchaser
3 is verified to be a current resident of the continuing care retirement community and the person delivering is at
4 least 18 years of age and has completed the responsible server and sales training program as provided in this
5 section. No application fee is required."

6
7 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2025.

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