

## REOPENING THE BIG SKY

# Governor Bullock's Phased Approach for Reopening Bars and Restaurants

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**Phase I Guidelines for alcoholic beverage licensees and agency liquor stores.** To be open for on-premises consumption, all of the following guidelines must continue to be met:

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**If local jurisdictions have more restrictive guidelines, those must be followed instead.**

- For on-premises consumption, a specific cleaning plan must be implemented following Department of Public Health and Human Services (DPHHS) guidelines:
  - All surfaces, including tables, chairs, booths, condiments, napkins, décor, menus and gaming machines, must be cleaned between customers.
  - Table items should be removed if they can't be adequately cleaned between customers.
  - Growlers must be cleaned prior to being refilled.
  - Drinks are not to be refilled. New glasses must be used.
  - No self-service of cups, straws, lids, condiments, beverages or food.
- Gaming machines that are operational must be separated by 7 feet, center-to-center.
  - Gaming machines will be considered tables for the purpose of serving drinks and food.
- For on-premises consumption, capacity must be limited to 50% of normal operation to allow for adequate group spacing.
- If customers are waiting in lines, individuals not of the same household should remain physically distanced.
  - If in waiting areas, adequate physical distancing cannot be maintained, they must be closed to customers.
- Tables must be limited to six people per table (except gaming machines, which are limited to one).
- There must be 6 feet of physical distancing between groups or tables by:
  - Increasing table spacing, removing tables, or marking tables as closed;
  - Providing for a physical barrier between tables; or
  - Back-to-back booth seating that provides adequate separation.
- Sitting or standing at bars or counters is not allowed.
- Drinks and food must be served to customers at a table.
- Breweries, wineries, and distilleries will close at regular sample room closure times.
  - No deliveries may occur after sample room hours.
- Bars, restaurants, wineries, and casinos with all-beverage or beer licenses will close by 11:30 p.m. with all customers out by then.
  - No deliveries may occur after 11:30 p.m.

- Restaurants with a restaurant beer and wine license will close by 11:00 p.m. with all customers out by the closure time.
  - No deliveries may occur after 11:00 p.m.
- All licensees must follow all laws pertaining to the Responsible Alcohol Sales and Service Act (Section 16-4-1001, et seq., MCA).
- All licensees are allowed to:
  - Take orders and payments on the phone or computer.
  - **Deliver alcoholic beverages off the licensed premises, including to a parking lot or curb, before closing time. Such delivery must be made by an employee of the licensee over the age of 21.**
  - Sell alcohol through a drive-up window.
  - Sell for off-premises consumption prior to closing time.
    - All-beverage and beer licensees must:
      - Sell alcoholic beverages in original packaging\* for delivery, curbside, drive-up or take-out. This includes growlers with beer and table wine.
      - Sell alcoholic beverages in individual servings\*\* for take-out ONLY and the buyer assumes liability of local or state regulations regarding open container laws.
    - Breweries must only sell in original packaging\*, including growlers with beer.
    - Wineries must only sell in original packaging\*, including growlers with wine.
    - Distilleries must:
      - Only sell up to 1.75 liters per person per day.
      - Only sell in original packaging\*.
    - Restaurant Beer and Wine licensees (RBW/Cabaret) must:
      - Only sell in original packaging\*.
      - Only sell beer and wine to a patron who orders food and have that beer and wine stated on the food bill.
    - Off-premises licensees and agency liquor stores must only sell in original packaging\*.
- No license type or agency liquor store is allowed to:
  - Sell to a person under 21 years of age or to any person actually, apparently, or obviously intoxicated.
  - Have a third-party service such as Grubhub order, pickup, and/or deliver alcohol.
  - Canvass for or solicit orders for the purchase of alcohol. Customers must initiate the sale of alcohol either on the phone, in person, or online. Normal rules of advertising apply.
- Beer wholesalers and table wine distributors are allowed to:
  - Coordinate with retail licensees for pickup of alcoholic beverages and with agency liquor stores for pickup of table wine for any quantity of product that is agreed upon.
  - Extend more than 7 days credit to a retailer as long as the same arrangement is offered to all retailers.

*\* **Original packaging** means the sealed container in which a manufacturer packages its product for retail sale. It includes bottles, cans, kegs, and growlers, but does not include lines or piping carrying product from a manufacturer's premises to a retailer's premises.*

*\*\* **Individual serving** means not more than 16 ounces of beer, not more than 2 ounces of liquor, not more than 7 ounces of wine, or a proportional combination thereof (for example, 1 ounce of liquor mixed with 8 ounces of beer).*

## Temporary process for license modifications during Phase I

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### Fingerprint cards

- Normally, two sets of fingerprint cards per person are required to be submitted to the Department with several types of applications. As an accommodation for our customers that cannot get fingerprints taken during this time, the ABCD/GCD will temporarily waive the requirement for fingerprint cards and will do a name-based background check to determine suitability until fingerprints can be obtained.
  - This applies to applications for:
    - New location managers.
    - Non-institutional loans.
    - New officers/directors.
    - Alcohol and/or gambling licenses.
  - The following information will continue to be required:
    - Personal/criminal history statement (Form 10 or Form 10A).
    - Any other form or document normally required with a submission.
  - While fingerprint cards will not be required for current submissions, they will be required at a later date
    - ABCD/GCD will follow up with a request once normal operations have resumed.
    - Upon request, two sets of fingerprint cards for each person must be submitted within 30 days along with the \$30 processing fee per person.

### Financing

- As a reminder, institutional loans (bank loans) do not require prior approval. Notification that a licensee has obtained a bank loan is only required with the license renewal submission.
- Non-institutional loans (non-bank loans) must have prior approval. In order to speed up the review process, please follow these guidelines:
  - Submit online:
    - Log into TAP and submit your request or send documents to Stacy Rogstad ([srogstad@mt.gov](mailto:srogstad@mt.gov)) via file transfer ([transfer.mt.gov](https://transfer.mt.gov)). Fax or mail may not be processed as quickly as online submissions.
  - Supply all required documents. Before ABCD/GCD can conduct their review, an application must be complete. The following are required:
    - Non-institutional loan (Form 13).
    - Personal/criminal history statement (Form 10 or Form 10A) for each person providing funding.
    - Loan agreement and/or promissory note.
    - Amortization schedule and/or other applicable contracts or documents.
    - Source of funding for the loan (e.g., 6 months of bank statements).
    - As noted in the above section, the requirements for fingerprint cards will temporarily be waived.
- Financing application submissions will be given priority during this time and will be processed as quickly as possible.

- As an accommodation during this time, ABCD/GCD will allow debt holders (landlords, lenders, etc.) to provide temporary reprieve from payments normally required by law and rule. Bone fide emergency loan or lease agreement modifications will not be considered an improper NIL or undisclosed ownership interest.
- Any agreement between the licensee and the debt holder to defer or forgive payments or change terms must be documented. The documentation should include details of the modification such as:
  - Interest rate adjustment.
  - Monthly payment adjustment.
  - Monthly payment “holidays” or forgiveness.
  - Change in loan terms.
  - Timeframe for the modification (e.g., temporary or through the term).
  - Other accommodations.
- Documents should be submitted to the Department no later than with the licensee’s annual license renewal application, due June 30.

### **Key personnel changes**

- The license renewal form (due June 30) requires disclosure of any changes to managers, officers, or directors. Please ensure all changes are reported at that time (or before).

### **Alterations to licensed premises**

- On premises retailers and manufacturers may want to alter their licensed premises to add additional outdoor space. As an accommodation during this time:
  - You may work with your local officials to get their approvals prior to applying with the Department.
  - Work with the Department to update your floorplan.
    - If you can’t immediately meet suitability but have local official approval, the Department will grant temporary approval and will work with you to meet suitability and gain full approval.
- Adequate cleaning and distancing must be maintained in outdoor space as well.