

# REOPENING THE BIG SKY

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

**Phase II Guidelines (beginning June 1, 2020) 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:

**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, bar counters, chairs, bar stools, 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.
  - No reusing drink coasters unless they can be disinfected between patrons
  - No community peanuts or other foods unless they can be served in individual containers.
- Gaming machines that are operational must be separated by 6 feet.
  - Gaming machines will be considered tables for the purpose of serving drinks and food.
- For on-premises consumption, capacity must be limited to 75% 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 ten 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.
- Standing and mingling is not allowed at the bar or elsewhere. All patrons should have a place to sit.
- Sitting at bars or counters is allowed if the following social distancing and sanitation protocols are followed, or an equally protective measure utilizing spacing, or physical barriers, has been proposed in place of the following listed requirements and has been approved by the local health department:
  - No bar seating within 6 feet of a well or taps, an area where drinks are passed to servers, ice machines, or other areas used to prepare or serve food or beverages;

- Bars stools should be spaced 6 feet apart;
- Keep all barstools 6 feet apart. If a group of 6 or less comes in and requests to be seated together, a staff member can group seat together and then re-space to 6ft once the group leaves; and
- If 6 feet cannot be maintained between patrons and servers/staff using well areas or taps, a physical barrier or closing wells may be used to protect servers/staff.
  - Wells taken out of use should be marked with a sign to remind staff.
- There may be a designated area at the bar, away from other costumers, wells, taps, prep-stations where patrons may place and receive orders.
  - 6 feet of social distancing should be maintained by all patrons of sperate parties and only one customer may use this space at a time.
  - Patrons may grab their drink or order and then return to their seats.
- Breweries, wineries, and distilleries will close at regular sample room closure times and not reopen before regular sample room opening time the following day.
  - No deliveries may occur outside of sample room hours.
- Bars, restaurants, wineries, and casinos with all-beverage or beer licenses will close by 12:30 a.m. with all customers out by then and will not reopen before 8:00 a.m. the following day.
  - No deliveries may occur between 12:30 a.m. and 8:00 a.m.
- Restaurants with a restaurant beer and wine license will stop allowing consumption of alcohol by 11:00 p.m. with all customers out by 12:30 a.m. and will not reopen before 11:00 a.m. the following day.
  - No deliveries of alcohol may occur between 11:00 p.m. and 11:00 a.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 or individual servings\*\* if they meet the consumption guidelines\*\*\*.
    - Wineries must only sell in original packaging\*, including growlers with wine or individual servings\*\* if they meet the consumption guidelines\*\*\*.
    - Distilleries must:
      - Only sell up to 1.75 liters per person per day.
      - Only sell in original packaging\* or individual servings\*\* if they meet the consumption guidelines\*\*\*.
    - Restaurant Beer and Wine licensees (RBW/Cabaret) must:

- Only sell in original packaging\* or individual servings\*\* if they meet the consumption guidelines\*\*\*.
- 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).*

*\*\*\* **Consumption guidelines** means all-beverage licensees, on-premises beer licensees, restaurant beer and wine licensees, breweries, wineries, and distilleries may serve alcohol in individual servings for consumption off-premises if the consumption occurs in an area adjacent to the licensee's approved premise and the licensee has received written approval from the governing local government. The written approval must be retained at their place of business. For breweries and distilleries individual servings are restricted to the sample room limits for the combined on-premise and off-premise consumption. This provision does not restrict off-premises sales made by on-premises retailers or manufacturers that are otherwise authorized by Montana law.*

## Temporary process for license modifications during Phase II

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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](http://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.