



LIQUOR CONTROL DIVISION

Frequently Asked Questions

Distillery Licensee

Micro-distillery means a distillery located in Montana that produces 25,000 gallons or less of liquor annually.

Production levels, by gallons, will determine what you are permitted to do as a licensee:

25,000 or less	25,001 or more
Provide samples of distilled spirits that were distilled on the premises, with or without charge at the distillery between 10 am and 8 pm. No more than 2 ounces.	Sampling not permitted.
Sell for off-premises consumption, distilled spirits that were distilled on the premises, between the hours of 8 am and 2 am at the distillery. No more the 1.75 liters per person.	Selling for off-premises consumption not permitted.
Sell and deliver distilled spirits to the department (Liquor Control Division).	Sell and deliver distilled spirits to the department (Liquor Control Division)
May use a common carrier for deliver to the department.	May use a common carrier for delivery to the department.
Not permitted to obtain a special permit.	Not permitted to obtain a special permit.

Q. Do product labels and varieties have to be approved prior to shipping into and selling in the State of Montana?

A. Yes. All distilleries must provide the department with copies of their labels for review and approval prior to selling in and shipping into the State of Montana. The licensee or registrant has two options for requesting approval of a label (1) send the request along with the TTB label approval to: PO Box 1712, Helena, MT 59624; or (2) file the request online by logging on to Taxpayer Access Point (TAP) at https://tap.dor.mt.gov/_/#1

Q. Can I import product for my distillery or do I have to produce all of it from start?

A. A distiller located in Montana and licensed pursuant to [16-4-311](#) may:

- (a) import necessary products in bulk;
- (b) bottle, produce, blend, store, transport, or export liquor that it produces;
- (c) perform those operations that are permitted for bonded distillery premises under applicable regulations of the United States department of the treasury. ([16-4-312, MCA](#))

Q. How many vendors or sales reps can I have in the state?

A. For the purposes of this section, "vendor" means a person, partnership, association, or corporation that sells liquor to the department.

(2) A vendor who desires to promote the sale of the vendor's product in the state shall employ one representative and may employ two additional representatives to promote the sale of the vendor's product. A representative must be a resident of the state or become a resident after employment.

(3) If a vacancy occurs in the one required position, the vendor shall fill the position within 60 days after the vacancy occurs. ([16-3-107, MCA](#)), ([ARM 42.11.205](#)), ([ARM 42.11.211](#) through [42.11.215](#))

Q. Can a distillery ship product to customers in the State of Montana?

A. No. All products must be shipped to the state liquor warehouse in Helena and sold through the state liquor agency stores. ([16-3-301, MCA](#))

Q. Can distilleries provide samples to state agency liquor stores or retailers?

A. Yes. Sample products must be shipped to the state liquor warehouse for distribution purposes at no charge to the state. A sample of liquor may only be purchased through state agency liquor stores by a registered liquor representative. The posted price for a sample liquor case is \$12.00 for shipping and handling. Also, the following rules apply:

- Sample products, which must be in their original containers, may only be given to licensed all-beverage retailers or agency liquor store agents.
- Samples may not be given to a licensed all-beverage retailer or an agency liquor store agent who has purchased the brand within the last 12 months.
- A registered representative may not give more than three liters of a distilled spirit or a fortified wine as samples to an all-beverage retailer or agency liquor store agent within the last 12 months.
- On-premise consumption of samples must take place at a licensed all-beverage establishment or at a special event conducted under a catering endorsement.
- In addition to the consumption allowed under (7), all-beverage retailers and agency liquor store agents are allowed to consume samples, given to them at their establishment by a registered representative, on private property not otherwise licensed by this code.
- Sample products must meet the following criteria:
 - samples are limited to bottles containing no more than 750 milliliters; and
 - limit of 72 bottles per brand label, per vendor, per calendar year plus 720 bottles of 50 milliliters or 200 milliliters; or

- if a vendor does not produce a product in a size of 750 milliliters or less, then the next largest size may be substituted for the 750 milliliter.

Q. Can a distillery also own a retail license or agency liquor store?

A. No. Distilleries, as part of the manufacturing tier, are prohibited from owning any interest in a retail license. In addition, it may not have any interest in an agency liquor store.

Q. Can I sell or give away samples at the distillery?

A. Yes. A microdistillery may:

(a) provide, with or without charge, not more than 2 ounces of liquor that it produces at the microdistillery to consumers for consumption on the premises between 10 a.m. and 8 p.m. A microdistillery may not sell or give more than 2 ounces of liquor to an individual for on-premises consumption during a business day.

(b) sell liquor that it produces at retail at the distillery directly to the consumer for off-premises consumption if:

(i) not more than 1.75 liters a day is sold to an individual; and

(ii) the minimum retail price as determined by the department is charged. ([16-4-312, MCA](#))

Q. Do I have to report the samples I give away in the sample room?

A. Yes. A distillery licensed to do business in this state under 16-4-311, MCA, shall, on or before the 15th day of each month, in the manner and form prescribed by the department, make an exact return to the department reporting the total amount of liquor samples provided with or without charge at the distillery in the previous month. A distillery for which the tax is less than \$10 a month from the sale of samples is not required to file a return or pay the tax for that month under this section. ([16-1-424, MCA](#))

Q. Do I need a license to sell or give away my own home made liqueurs?

A. Yes. It is prohibited under both state and federal law to manufacture distilled spirits, including liqueurs, except by an individual or entity that holds the appropriate federal basic permit, as well as a state distillery license. All products must be sold to the state liquor warehouse, excluding the limited quantities allowed to be sold or given away in the sample room (2 oz. for on-premises consumption and 1.75 liters for off-premises consumption per day per customer). The provisions for homemade alcohol products applies only to homemade beer and homemade wine.

Q. Who sets the posted price? How is it calculated?

A. "Posted price" means the wholesale price of liquor for sale to persons who hold liquor licenses as fixed and determined by the department and in addition an excise and license tax.