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INTRODUCED BY Carlson House BILL NO. 309
Cocchiarella Alexa Meinhart Gurbin Lynch

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT ILLEGAL FOR A PERSON OR BUSINESS ENTITY OUTSIDE MONTANA ENGAGED IN THE MANUFACTURE, SALE, DISTRIBUTION, OR OTHER COMMERCIAL TRADING OF ALCOHOLIC BEVERAGES TO SHIP OR CAUSE TO BE SHIPPED ANY ALCOHOLIC BEVERAGES TO A PERSON IN MONTANA WHO IS NOT LICENSED AS A WHOLESALER OR RETAILER; PROHIBITING THE PURCHASE, TRANSPORT, OR DELIVERY OF ANY ALCOHOLIC BEVERAGE ORIGINATING OUTSIDE MONTANA EXCEPT UNDER CERTAIN CONDITIONS; AND AMENDING SECTION 16-6-301, MCA."

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

Section 1. Section 16-6-301, MCA, is amended to read:

"16-6-301. **Transfer, sale, and possession of alcoholic beverages -- when unlawful.** (1) For the purposes of this section, "person" has the same meaning as provided in 16-3-415.

~~(2) Except as provided by this code, no person shall, within the state, by himself, his clerk, servant, or agent, expose or keep for sale or, directly or indirectly or upon any pretense or upon any device, sell or offer to sell or, in consideration of the purchase or transfer of any property or for any other consideration or at the time of the transfer of any property, a person may not sell or in exchange for any consideration give to any other person any alcoholic beverage.~~

~~(2)(3) No person shall~~ Except as provided in this subsection, a person may not have or keep possess any alcoholic beverage which that has not been purchased within the state of Montana. Nothing in this code shall prohibit any person entering this state from any other state or from any foreign country from having in his possession not to exceed 3 wine gallons of alcoholic beverage which beverage shall have been purchased in another state or foreign country, but no person claiming to have so entered the state shall at any time have in his possession more than 3 wine gallons of alcoholic beverage which shall not have been purchased within the state of Montana. A person who enters Montana from another state or a foreign country may possess a maximum of 3 wine gallons of alcoholic beverage purchased outside Montana. This subsection may not be construed to allow the direct shipment of any alcoholic beverage to a person who has not obtained a license to sell an alcoholic beverage under the provisions of Title 16,



1 chapter 4. This subsection ~~shall~~ does not apply to the department or to the ~~keeping or having possession~~
 2 of alcoholic beverages by brewers, distillers, and other persons duly licensed by the United States for the
 3 manufacture of ~~such~~ alcoholic beverages or to the ~~keeping or having lawful possession~~ of any proprietary
 4 or patent medicines or of any extracts, essences, tinctures, or preparations ~~where such having and keeping~~
 5 ~~is authorized by this code.~~

6 ~~(3)(4) Nothing contained in this section shall apply~~ This section does not apply to the possession
 7 by a sheriff or ~~his~~ a bailiff of alcoholic beverages seized under execution or other judicial or extrajudicial
 8 process or to sales under executions or other judicial or extrajudicial process to the department or a
 9 licensee.

10 ~~(4)(5) Except as otherwise provided in this code, no person shall, within the state, by himself, his~~
 11 ~~clerk, servant, or agent~~ a person may not:

12 (a) attempt to purchase any alcoholic beverage;

13 (b) directly or indirectly or upon any pretense or device, purchase any alcoholic beverage; or

14 (c) in consideration of the sale or transfer of any property or for any other consideration or at the
 15 time of the transfer of any property, take or accept from any other person any alcoholic beverage.

16 (6) It is unlawful for any person engaged in the manufacture, sale, distribution, or any other type
 17 of commercial trading of alcoholic beverages in another state or foreign country to ship or cause to be
 18 shipped any alcoholic beverage directly to any person unless that person is licensed as a wholesaler or
 19 retailer under the provisions of this code. This subsection does not prohibit the shipment of alcoholic
 20 beverages by a licensed wholesaler to a licensed retailer or a licensed wholesaler of alcoholic beverages.

21 (7) It is unlawful for a person other than a wholesaler licensed under the provisions of this code to
 22 attempt to purchase, purchase, or accept by postal service, private courier service, or any other commercial
 23 means of delivery any alcoholic beverage from another person unless that person is licensed to sell alcoholic
 24 beverages under the provisions of Title 16, chapter 4. This subsection does not prohibit a licensed retailer
 25 from purchasing, attempting to purchase, or accepting delivery of any alcoholic beverage from a licensed
 26 wholesaler in Montana.

27 (8) It is unlawful for a person to transport or deliver in exchange for any consideration any alcoholic
 28 beverage that has not been purchased in Montana to another person who is not a licensed wholesaler or
 29 retailer."

