

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 16-4-315, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

(d) those serving the alcoholic beverages must be 18 years of age or older and have completed the responsible server and sales training program as provided in 16-4-1005; and

(e) those purchasing the alcoholic beverages must be residents of the continuing care retirement community or guests of a resident of the continuing care retirement community.

(2) The limited all-beverages license for a continuing care retirement community does not authorize gaming or gambling under Title 23, chapter 5, parts 3, 5, or 6, but may allow live bingo or keno if the

1 continuing care retirement community is authorized under 23-5-405 for live bingo and keno and complies with
2 Title 23, chapter 5, part 4.

3 (3) The limited all-beverage license does not allow sale of an alcoholic beverage for off-premises
4 consumption, is subject to 16-3-241, and does not entitle the licensee to a catering endorsement under 16-4-
5 204.

6 (4) This section does not ban from the continuing care retirement community's residential areas
7 the residents' possession of alcoholic beverages otherwise obtained.

8 (5) For a license issued under this section, a licensee shall inform the department before making
9 deliveries that the licensee intends to deliver alcohol to a continuing care retirement community to residents'
10 individual living units, which may include separate cottages or townhomes, within the designated continuing
11 care retirement community campus as long as the purchaser is verified to be a current resident of the
12 continuing care retirement community.

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

14 (i) in multiple alcohol service locations separately from the main licensed premises as long as
15 those service locations include food service and are owned, leased, or otherwise under the control of and
16 operated by the licensee;

17 (ii) on patios, decks, or controlled lawn areas immediately adjacent to the building in which a
18 license is established. All exterior service locations must have either a natural or artificial boundary that is
19 controlled for access.

20 (iii) if the licensee's campus includes a swimming pool in or adjacent to a permanent, licensed
21 alcohol service area, in the swimming pool area separate from the main licensed premises.

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

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

1 ~~(5)(8)~~ The department may make rules to implement this section as necessary to recognize the
2 combination of individual residences and communal areas that a continuing care retirement community
3 represents.

4 ~~(6)(9)~~ For the purposes of this section, the following definitions apply:

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

8 (ii) For the purposes of this section:

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

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

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

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

19 (ii) provides to individuals 55 years of age or older an independent living option and a graduated
20 level of care. The graduated level of care, as defined in this section, may include an assisted living facility, as
21 defined in 50-5-101.

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

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

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

28 (B) may not be required to include a kitchen facility, kitchen appliances, or similar food preparation

- 1 areas so long as one dining area within the campus has a kitchen and food preparation area.
- 2 (d) (i) "Graduated level of care" means a campus that provides more than one level of care.
- 3 (ii) Options for levels of care on a campus may include but are not limited to the following:
- 4 (A) independent living;
- 5 (B) short-term rehabilitation and nursing care; and
- 6 (C) an assisted living facility as defined in 50-5-101.
- 7 (b)(e) "Guest" means an individual who is either the nonresident spouse of a resident of the
- 8 continuing care retirement community or an individual invited by a resident.
- 9 (e)(f) "On-premises" means within the confines of the continuing care retirement community
- 10 campus."

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12 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2025.

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