
69th Legislature 2025 HB 491.1

1		HOUSE BILL NO. 491	
2		INTRODUCED BY K. ZOLNIKOV	
3			
4	A BILL FOR AN	ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO CONTINUING	
5	CARE RETIREM	MENT COMMUNITY LICENSES; PROVIDING FOR DELIVERY OF ALCOHOL; PROVIDING	
6	FOR MULTIPLE	CAMPUSES; PROVIDING FOR VARIOUS BUILDINGS OR STRUCTURES AT THE	
7	CONTINUING CARE RETIREMENT COMMUNITY; PROVIDING DEFINITIONS; AMENDING SECTION 16-4		
8	315, MCA; AND PROVIDING AN EFFECTIVE DATE."		
9			
10	BE IT ENACTED	D BY THE LEGISLATURE OF THE STATE OF MONTANA:	
11			
12	Section	1. Section 16-4-315, MCA, is amended to read:	
13	"16-4-31	15. Limited all-beverages license for continuing care retirement communities	
14	requirements	- rulemaking definitions. (1) A continuing care retirement community may apply to the	
15	department for a limited, nontransferable all-beverages license that is exempt from the quota under 16-4-201 i		
16	the following conditions are met:		
17	(a)	the applicant meets the requirements of 16-4-401, complies with 16-4-207 and 16-4-402, and	
18	pays an application fee of \$500, which constitutes the first annual license fee. If an application is denied, the		
19	department shal	I refund 75% of the application fee. Annual license renewal fees are as provided in 16-4-501.	
20	(b)	the continuing care retirement community has a central dining area at which the alcoholic	
21	beverages may	be served or purchased for on-premises consumption;	
22	(c)	the serving hours for alcoholic beverages are within the hours of 11 a.m. to 8 p.m.;	
23	(d)	those serving the alcoholic beverages must be 18 years of age or older and have completed	
24	the responsible server and sales training program as provided in 16-4-1005; and		
25	(e)	those purchasing the alcoholic beverages must be residents of the continuing care retirement	
26	community or guests of a resident of the continuing care retirement community.		
27	(2)	The limited all-beverages license for a continuing care retirement community does not	
28	authorize gamin	g or gambling under Title 23, chapter 5, parts 3, 5, or 6, but may allow live bingo or keno if the	



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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) The limited all-beverage license does not allow sale of an alcoholic beverage for off-premises consumption, is subject to 16-3-241, and does not entitle the licensee to a catering endorsement under 16-4-204.
- (4) This section does not ban from the continuing care retirement community's residential areas the residents' possession of alcoholic beverages otherwise obtained.
- (5) For a license issued under this section, a licensee shall inform the department before making deliveries that the licensee intends to deliver alcohol to a continuing care retirement community to residents' individual living units, which may include separate cottages or townhomes, within the designated continuing care retirement community campus as long as the purchaser is verified to be a current resident of the continuing care retirement community.
 - (6) (a) It is lawful for a licensee approved under this section to sell alcoholic beverages as follows:
- (i) in multiple alcohol service locations separately from the main licensed premises as long as those service locations include food service and are owned, leased, or otherwise under the control of and operated by the licensee;
- (ii) on patios, decks, or controlled lawn areas immediately adjacent to the building in which a license is established. All exterior service locations must have either a natural or artificial boundary that is controlled for access.
- (iii) if the licensee's campus includes a swimming pool in or adjacent to a permanent, licensed alcohol service area, in the swimming pool area separate from the main licensed premises.
- (b) Buildings or structural premises allowed under this subsection (6) may be separate from the building comprising the main licensed premises but must otherwise meet the premises suitability requirements specified in 16-3-311.
- (7) If a continuing care retirement community campus has two or more approved service buildings within the boundaries of the campus, the licensee may also apply to use one noncontiguous storage area to be located within that campus if it meets all requirements to ensure the secure storage of alcoholic beverages and prevent onsite consumption of alcoholic beverages.



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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 communi		
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		



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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	(c)(f) "On-premises" means within the confines of the continuing care retirement community
10	campus."
11	
12	NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2025.
13	- END -

