

SENATE BILL NO. 304

INTRODUCED BY E. BUTTREY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING BREWERS, BEER IMPORTERS, OR WHOLESALERS TO FURNISH, GIVE, OR LOAN CERTAIN EQUIPMENT TO A RETAIL LICENSEE; AMENDING SECTION 16-3-241, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 16-3-241, MCA, is amended to read:

"16-3-241. Furnishing of fixtures or interior advertising matter to retailers by brewers, beer importers, and wholesalers unlawful -- exceptions. (1) (a) ~~It~~ Except as provided in subsection (1)(b), it is unlawful for any brewer, beer importer, or wholesaler to lease, furnish, give, or pay for any premises, furniture, fixtures, equipment, or any other advertising matter or any other property to a retail licensee, used or to be used in the dispensation of beer in and about the interior of the place of business of the licensed retailer, or to furnish, give, or pay for any repairs, improvements, or painting on or within the premises.

(b) It is lawful for a brewer, beer importer, or wholesaler to furnish, give, or loan to a retail licensee:

(i) bottle openers, can openers, trays, tap handles, menus, apparel, coasters, glassware, cups, napkins, or other functional advertising matter that does not exceed \$300 in value in any 1 calendar year to any one retail establishment for display use within the interior of the retail establishment;

(ii) not more than six illuminated or electrical signs, neon signs, lamps, or lighted clocks for each brand of beer in any 1 calendar year to any one retailer for display use within the interior of the retailer's place of business. These signs, displays, lamps, or lighted clocks may bear the name, brand name, trade name, trademark, or other designation indicating the name of the manufacturer of beer and the place of manufacture. Any beer advertised must be available for sale on the retailer's premises at the time the displays are used unless the displays are the property of the retailer or, if supplied by a brewer, beer importer, or wholesaler, a display has been in the retailer's possession for more than 9 months.

(iii) permanent or temporary advertising matter of a decorative nature, excluding items described in subsection (1)(b)(ii) but including nonelectric clocks, mirrors, banners, flags, and pennants; ~~and~~

(iv) maintenance or repair services on draft beer equipment to keep it sanitary and in good working

1 condition; and

2 (v) coolers, refrigerated displays, and tap equipment if total cost of all equipment provided under this
3 subsection (1)(b)(v) does not exceed \$2,500 in a calendar year.

4 (2) A wholesaler may furnish portable equipment used for the temporary cooling, handling, and
5 dispensing of beer to a special permittee or a retailer for use:

6 (a) in catering an event that is off the permittee's or retailer's regular premises; or

7 (b) up to three times a year, on a retailer's regular premises, for a period not to exceed 72 hours."

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9 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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