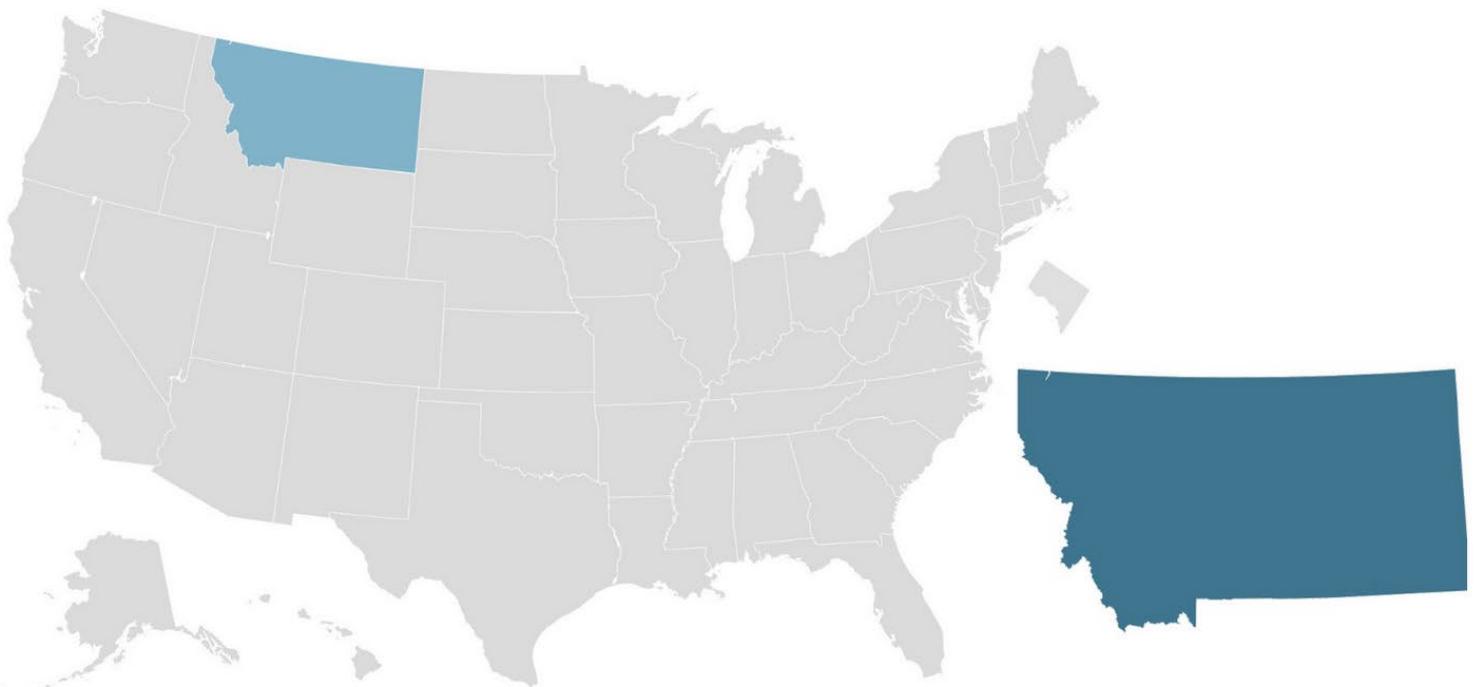




SAMHSA
Substance Abuse and Mental Health
Services Administration

Montana

2022 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the State Reports were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), chaired by Miriam Delphin-Rittmon, Ph.D., the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

Time Period Covered by this *State Report*: This *State Report* primarily includes data from calendar year 2020 and 2021. Regional and state profile data were drawn from the most recently available federal survey data as of 2020. State legal data reflect the status of the law as of January 1, 2021. State survey data, collected in 2021, were drawn from the most recent 12-month period in which the states maintained the data.

Source of Data: For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2017 through 2020 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2021). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application (updated May 2022) served as the resource for data about alcohol-attributable deaths from 2015–2019 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2020 data used to present statistics about fatalities among 15- to 20-year-old drivers. State legal policy data were obtained from the following sources: 1) the National Institute on Alcohol Abuse and Alcoholism’s Alcohol Policy Information System (APIS) website (<https://alcoholpolicy.niaaa.nih.gov/>); 2) legal research planned and managed by the ICCPUD.

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MONTANA



THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)



Montana

State Population: 1,080,577

Population Ages 12–20: 116,000

Past-Month Alcohol Use	
Ages 12–20	
Past-Month Alcohol Use – Number (Percentage)	34,000 (29.0%)
Past-Month Binge Alcohol Use – Number (Percentage)	24,000 (20.2%)
Ages 12–14	
Past-Month Alcohol Use – Number (Percentage)	3,000 (7.0%)
Past-Month Binge Alcohol Use – Number (Percentage)	1,000 (2.9%)
Ages 15–17	
Past-Month Alcohol Use – Number (Percentage)	0 (0%)
Past-Month Binge Alcohol Use – Number (Percentage)	0 (0%)
Ages 18–20	
Past-Month Alcohol Use – Number (Percentage)	20,000 (49.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	13,000 (33.5%)
Adults Ages 21+	
Past-Month Alcohol Use – (Percentage)	496,000 (63.4%)
Past-Month Binge Alcohol Use – (Percentage)	243,000 (31.1%)
Average Age of Initiation	
Average Age of Initiation	15.8
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21 ¹	
Alcohol-Attributable Deaths (under 21)	17
Years of Potential Life Lost (under 21)	972
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% ²	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	11
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	34%

¹ The Alcohol-Related Disease Impact Application was updated May 2022 to reflect new methodology for calculating the average annual alcohol-attributable deaths, and it reflects national and state annual averages from 2015–2019.

² Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number; however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.

Behavioral Health System Overview¹

Montana State Government administers a wide spectrum of programs and projects including public assistance, Medicaid, foster care and adoption, nursing home licensing, long-term care, aging services, alcohol and drug abuse programs, mental health services, vocational rehabilitation, disability services, child support enforcement activities, and public health functions (such as communicable disease control and preservation of public health through chronic disease prevention). DPHHS mission: Improving and protecting the health, well-being, and self-reliance of all Montanans.

The Montana Department of Public Health and Human Services (DPHHS) is the state agency responsible for the public chemical dependency services for children and adults under the Division of Addictive and Mental Disorders. The Addictive & Mental Disorders Division provides for the implementation and improvement of statewide systems of prevention, treatment, care, and rehabilitation for Montanans with mental disorders or addictions to drugs or alcohol. AMDD through the Mental Health Services Bureau is responsible for the development and management of the adult mental health system (age 18 and over). The Division provides chemical dependency and adult mental health services by contracting with providers throughout Montana. It also provides services through three inpatient facilities—the Montana State Hospital in Warm Springs, Montana Chemical Dependency Center in Butte, and Montana Mental Health Nursing Care Center in Lewistown.

Montana is fortunate as both the substance use disorders treatment system, and the adult mental health system is located under the Addictive and Mental Disorders Division within the Department of Public Health and Human Services. The SSA/SMHA provides all direction for the mental health and substance use disorders prevention, early intervention, treatment, and recovery support services. The SSA/SMHA works within all the other Divisions and programs within DPHHS to develop partnerships needed to address issues of those in treatment for mental health and substance use disorders.

Montana AMDD provides for the establishment and implementation of a continuum of care to provide for individuals with substance abuse disorders, including those with co-occurring mental illness and substance abuse disorders. Available services and resources within Montana's comprehensive continuum of care are provided primarily with federal resources and have some state resources. AMDD is responsible for managing reimbursement for Medicaid and other federal and state funded services for SUD and is working towards integration of SUD and adult mental health services. AMDD recently restructured to include both SUD and adult mental health treatment services under one bureau.

Montana's substance use disorders treatment system does not differ between the youth (child) and adult systems. To provide a complete continuum of care, AMDD has contacted 26 providers to administer SUD services to individuals regardless of age. Additionally, 41 state-approved providers throughout Montana have been invited to contract with the department. Providers are

¹ Extracted from fiscal year (FY) 2022/2023 – (Montana) State Behavioral Health Assessment and Plan, Substance Abuse Prevention and Treatment Block Grant (SABG), CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

required to identify evidence-based practices to address age, race, ethnicity, priority populations, etc. as part of their treatment programming and continuation application for funding. Based upon the population within their coverage area, providers will identify the populations served and what evidence-based programming to be used. For instance, providers addressing women with dependent children use Seeking Safety as appropriate practice.

AMDD Prevention Bureau provides evaluation and technical support to the local and regional planning groups, regional Service Area Authorities (SAA), and Local Advisory Councils (LAC). SAAs are statutorily defined, to collaborate, with the Department for the planning and oversight of mental health services within a service area. LACs are a coalition of individuals within communities interested in planning, evaluating, and strengthening their local community mental health services. All local planning groups are encouraged to ensure activities are conducted through a broad and inclusive representation of the community mental health system, including community mental health providers, advocates, law enforcement, judicial system, hospitals, and other medical service providers.

Expenditures for Substance Abuse Prevention and Treatment

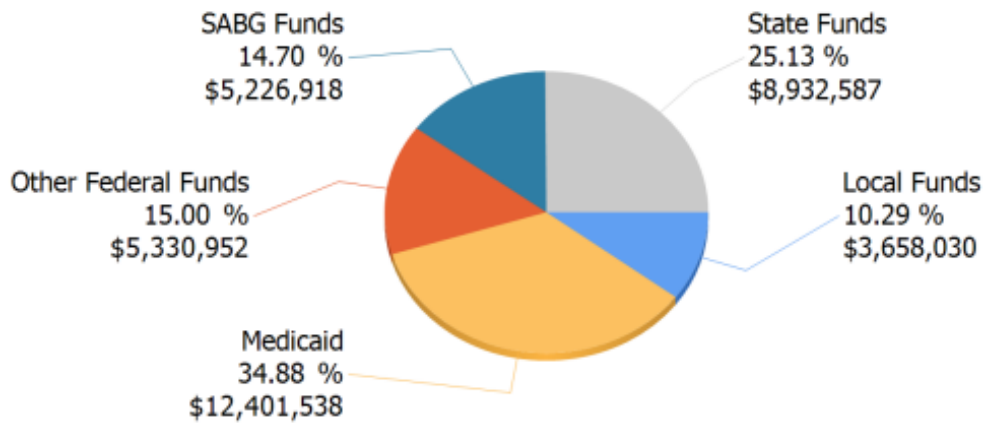
All states receive federal funds for substance abuse prevention through Substance Abuse Prevention and Treatment Block Grant (SABG) funds administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Exhibit 1 shows the sources that Montana used for expenditures on substance abuse prevention and treatment in 2021. As indicated, Medicaid and state funds account for the largest sources (34.88 percent and 25.13 percent, respectively).²

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2022-2023, Montana designated the implementation of evidence-based services to ensure optimum prevention outcomes related to youth alcohol consumption as part of priority one for use of SABG funds.³

² WebBGAS State Profile, 2021 SABG and Community Mental Health Block Grant (MHBG) Reports – Montana 2021.

³ FY 2022/2023 – (Montana) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

Exhibit 1: Sources of Montana’s 2021 Expenditures for Substance Abuse Prevention and Treatment



State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details Montana’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.

The following sections address these measures:

State Laws and Policies: These underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:

- underage possession or purchase of alcohol
- underage drinking and driving
- alcohol availability
- sales and delivery to consumers at home
- alcohol pricing
- enforcement policies

STOP Act State Survey Data: The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

- enforcement programs to promote compliance with underage drinking laws and regulations
- programs targeted to youth, parents, and caregivers to deter underage drinking
- state interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns
- state expenditures on the prevention of underage drinking

Underage Possession or Purchase of Alcohol

Montana-Underage Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is possession allowed if parent or guardian is present or consents? • Is possession allowed if spouse is present or consents? 	Yes No
Is there an exception based on location?	No
Notes: The parental exception to Montana's possession and consumption statute only applies to alcohol supplied and consumed in a "nonintoxicating quantity." In Montana, "intoxicating quantity" is defined as a quantity "sufficient to produce ... a blood, breath, or urine alcohol concentration in excess of 0.05 ... or substantial or visible mental or physical impairment." See Mont. Code Ann. §§ 16-6-305, 45-5-624.	

Montana-Underage Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is consumption allowed if parent or guardian is present or consents? • Is consumption allowed if spouse is present or consents? 	Yes No
Is there an exception based on location?	No
Notes: The parental exception to Montana's possession and consumption statute only applies to alcohol supplied and consumed in a "nonintoxicating quantity." In Montana, "intoxicating quantity" is defined as a quantity "sufficient to produce ... a blood, breath, or urine alcohol concentration in excess of 0.05 ... or substantial or visible mental or physical impairment." See Mont. Code Ann. §§ 16-6-305, 45-5-624.	

Montana-Underage Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> • Is internal possession allowed if parent or guardian is present or consents? • Is internal possession allowed if spouse is present or consents? 	N/A N/A
Is there an exception based on location?	N/A

Montana-Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

Montana-Underage False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor’s driver’s license suspension?	Yes, through a judicial process
Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	Yes
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	Yes
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Do state statutes or regulations mandate that state driver’s licenses for persons under 21 be easily distinguishable from licenses for persons 21 and over?	No
May the retailer seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes
<ul style="list-style-type: none"> Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)? 	Yes
<ul style="list-style-type: none"> Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)? 	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May the retailer detain a minor who used a false ID?	No

Underage Drinking and Driving

Montana-Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes

What is the minimum age to which the limit applies?	0
What is the maximum age to which the limit applies?	21

Montana-Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose” Laws)	
Is there a “use/lose” law that suspends or revokes a minor’s driving privileges for alcohol violations?	Yes
What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	No
• Possession of alcohol	Yes
• Consumption of alcohol	Yes
The law applies to people under what age?	18
Is suspension or revocation mandatory or discretionary?	Mandatory
What is the length of suspension/revocation?	
Minimum number of days	30
Maximum number of days	30

Montana-Graduated Driver’s Licenses	
Learner Stage	
What is the minimum age for permit to drive with parents, guardians or other adults (other than instructors)?	14 years, 6 months
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6
What is the minimum number of hours of driving with parents, guardians or adults before advancing to intermediate stage?	50 (10 of which must be at night)
Intermediate Stage	
What is the minimum age for driving without adult supervision?	15
For night driving, when does adult supervision requirement begin?	11:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes
Are there restrictions on passengers?	Yes. For first 6 months, no more than one non-family passenger under 18 unless accompanied by a driver at least 18 years old. For second 6 months, no more than three non-family passengers under 18 unless accompanied by a driver at least 18 years old.
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	Yes

License Stage	
What is the minimum age for full license privileges and lifting of restrictions?	16

Alcohol Availability

Montana-Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> Is furnishing allowed if the parent or guardian supplies the alcohol? Is furnishing allowed if the spouse supplies the alcohol? 	Yes No
Is there an exception based on location?	No
Affirmative Defense for Sellers and Licensees	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No
Notes: The parental exception applies to the provision of alcohol in a “nonintoxicating quantity.” In Montana, “intoxicating quantity” is defined as a quantity “sufficient to produce ... a blood, breath, or urine alcohol concentration in excess of 0.05 ... or substantial or visible mental or physical impairment.” See Mont. Code Ann. § 16-6-305.	

Montana-Responsible Beverage Service (RBS)—Mandatory	
Is there a state law pertaining to Beverage Service Training?	Yes, mandatory
If training is mandatory, who must participate?	Manager and server/seller
If training is voluntary, which of the following incentives are offered?	
<ul style="list-style-type: none"> Defense in dram shop liability lawsuits 	N/A
<ul style="list-style-type: none"> Discounts in dram shop liability insurance, license fees, or other 	N/A
<ul style="list-style-type: none"> Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons 	N/A
<ul style="list-style-type: none"> Protection against license revocation for sales to minors or sales to intoxicated persons 	N/A
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Both

Montana-Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present when an underage person is selling beverages?	No

Montana-Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present when an underage person is selling beverages?	No

Montana-Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools	
Colleges and Universities	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A
Primary and Secondary Schools	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, within 600 feet.
To which alcohol products does requirement apply?	Beer, wine, and spirits
Notes: Exception for commercially operated schools.	

Montana-Dram Shop Liability	
Does a statute create dram shop liability?	Yes
Does the statute limit damages that may be recovered?	Yes (\$250,000 non-economic damages per person and \$250,000 punitive damages per person)
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law dram shop liability exist?	No

Montana-Social Host Liability	
Does a statute create social host liability?	Yes
Does the statute limit damages that may be recovered?	Yes (\$250,000 non-economic damages per person and \$250,000 punitive damages per person)
Does the statute limit who may be sued?	No
Does the statute limit elements or standards of proof?	No
Does common law social host liability exist?	No

Montana-Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	No
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	N/A
What action by underage guest triggers a violation?	N/A
Property type covered by the law?	N/A
What level of knowledge by the host is required?	N/A
Does host's preventive action protect him/her from being held liable?	N/A
Are there any exceptions for underage guests?	N/A

Montana-Keg Registration	
How is a keg defined (in gallons)?	Equal to or greater than 7.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	Yes (maximum fine/jail, \$500/6 months)
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes

Must the retailer collect the ID number, name and address on license or other government information?	Yes
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Passive (requires no action by purchaser)
Is a deposit required?	No
Does law cover disposable kegs?	No

Montana-High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No; however, this state is a control state, and control states may impose additional restrictions on the sale of products that are not reflected in statute or regulation.
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

Sales and Delivery to Consumers at Home

Montana-Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

Montana-Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	No
Must the common carrier (deliverer) verify age of recipients?	No
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	No

Recording/reporting requirements	
Must the producer/manufacturer record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	Yes
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes
Notes: An out-of-state brewer desiring to ship beer to an individual in Montana shall register with the Montana Department of Revenue. An individual seeking to receive such a shipment for personal consumption must obtain a connoisseur's license. The licensee must forward to the out-of-state brewer a distinctive address label, provided by the Department, clearly identifying any package that is shipped as a legal direct-shipment package to the holder of a connoisseur's license.	

Montana-Home Delivery	
Is home delivery of alcohol permitted?	
Beer	No law
Wine	No law
Spirits	No law

Montana- Direct to Consumer	
Is there a policy allowing on-premises retailers to deliver alcohol to a consumer at home?	Yes
Which on-premises retailers can provide delivery of alcoholic beverages? <ul style="list-style-type: none"> • Restaurant • Bar license • Third party license 	Yes, with state permit Yes, with state permit No
Which types of alcohol are permitted to be delivered? <ul style="list-style-type: none"> • Beer • Wine • Spirits • Mixed Drinks 	Yes Yes No No
Requirements and Restrictions	
Are there restrictions in place addressing details of the delivery? <ul style="list-style-type: none"> • Hours limited • Amount of alcohol limited • Food requirement 	No Yes Yes

<p>Are there certain requirements that the delivery person must meet?</p> <ul style="list-style-type: none"> • Must be 21 • Must check ID at point of delivery • Must receive payment regardless of delivery completion 	<p>Yes</p> <p>No</p> <p>No</p>
Notes: Purchase price of beer/wine cannot exceed purchase price of food.	

Alcohol Pricing

Montana-Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.14
Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> • General sales tax rate 	Not relevant
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> • General sales tax rate 	Not relevant
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
Notes: The reported tax rate is for brewers who produce more than 10,000 barrels of beer per year. See Mont. Code Ann. § 16-1-406(1) (as amended by 2017 Montana Laws Ch. 271).	

Wine	
Control system for wine?	Yes
Specific excise tax per gallon for 12% alcohol wine	Not relevant
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	Not relevant
<ul style="list-style-type: none"> • General sales tax rate 	
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	Not relevant
<ul style="list-style-type: none"> • General sales tax rate 	
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Additional taxes for 6 – 14% alcohol wine if applicable	
Spirits	
Control system for spirits?	Yes
Specific excise tax per gallon for 40% alcohol spirits	Not relevant
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	Not relevant
<ul style="list-style-type: none"> • General sales tax rate 	
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	

Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	Not relevant
<ul style="list-style-type: none"> • General sales tax rate 	
<ul style="list-style-type: none"> • Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax) 	
Additional taxes for 15 – 50% alcohol spirits if applicable	

Montana-Low-Price, High-Volume Drink Specials	
Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No
Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

Montana-Wholesaler Pricing Restrictions	
Beer	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (7 days maximum)
Wine	
Are volume discounts to retailers allowed?	No law
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	No law
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	No law

Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (7 days maximum)
Spirits	Control System
Are volume discounts to retailers allowed?	N/A
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	N/A
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	N/A
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	N/A

Enforcement Policies

Montana-Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	Yes
What is the minimum age a decoy may be to participate in a compliance check?	18
What is the maximum age a decoy may be to participate in a compliance check?	20
Are there appearance requirements for the decoy?	Yes; should look their age, wear no concealing head gear, scarves, hats, jewelry, excessive makeup, hoodies, and sunglasses or have facial hair.
Does decoy carry ID during compliance check?	Required
May decoy verbally exaggerate his or her actual age?	Prohibited
Is decoy training mandated, recommended, prohibited, or not specified?	Mandated

Montana-Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	Yes
What is the time period for defining second, third, and subsequent offenses?	Three years
What is the penalty for the first offense?	\$250 fine
What is the penalty for the second offense?	\$1,000 fine
What is the penalty for the third offense?	\$1,500 fine and/or 20-day license suspension
What is the penalty for the fourth offense?	License revocation
Notes: List of aggravating and mitigating factors provided.	

Montana State Survey Responses

State Agency Information

Agency with primary responsibility for enforcing underage drinking laws:

Responsibilities are at the local level with municipalities and counties. At the state level, there is a limited amount of funding through the Department of Public Health and Human Services, Addictive and Mental Disorders Division/Prevention Bureau.

Enforcement Strategies

State law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No

Local law enforcement agencies use:

Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No

<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Alcoholic Beverage Control Division
Such laws are also enforced by local law enforcement agencies	Yes

Enforcement Statistics

<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession ¹ by state law enforcement agencies	1,227
Number pertains to the 12 months ending	12/31/2020
Data include arrests/citations issued by local law enforcement agencies	Yes

<i>State conducts underage compliance checks/decoy operations² to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	No
Data are collected on these activities	No
Number of retail licensees in state ³	2,365 on-premises, 894 off-premises, 34 wineries with sample rooms, 101 breweries with sample rooms, 26 distilleries with sample rooms
Number of licensees checked for compliance by state agencies (including random checks)	Not applicable
Number of licensees that failed state compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Not applicable

<i>State conducts random underage compliance checks/decoy operations</i>	Not applicable
Number of licensees subject to random state compliance checks/decoy operations	Not applicable
Number of licensees that failed random state compliance checks	Not applicable

<i>Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	401
Number of licensees that failed local compliance checks	63

Numbers pertain to the 12 months ending	12/31/2020
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish to minors</i>	Yes
Number of fines imposed by the state ⁴	179
Total amount in fines across all licensees	\$148,125
Smallest fine imposed	\$100
Largest fine imposed	\$6,000
Numbers pertain to the 12 months ending	12/31/2020
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state ⁵	19
Total days of suspensions across all licensees	79
Shortest period of suspension imposed (in days)	2
Longest period of suspension imposed (in days)	7
Numbers pertain to the 12 months ending	12/31/2020
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed ⁶	2
Numbers pertain to the 12 months ending	12/31/2020

Additional Clarification

No data

¹ Or having consumed or purchased per state statutes.

² Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

³ Excluding special licenses such as temporary, seasonal, and common carrier licenses.

⁴ Does not include fines imposed by local agencies.

⁵ Does not include suspensions imposed by local agencies.

⁶ Does not include revocations imposed by local agencies.

Underage Drinking Prevention Programs Operated or Funded by the State

Substance Abuse Prevention and Treatment Block Grant

Number of youth served	402,852
Number of parents served	0
Number of caregivers served	0
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	https://dphhs.mt.gov/prevention

Program Description: The Prevention Bureau of the Addictive and Mental Disorders Division of the Department of Public Health and Human Services (DPHHS) administers the Substance Abuse Prevention and Treatment (SAPT) Block Grant. It supports the implementation of evidence-based prevention efforts to provide culturally appropriate community-based prevention strategies to reduce underage drinking, including binge drinking, with an emphasis on youth and young adults up to age 21. It also includes the collection of robust data through the administration of the Montana Prevention Needs Assessment (PNA). Montana PNA data are compiled on a statewide basis for public use, and school-level data are provided back to school superintendents for use within the school district or individual school for the purposes of planning and addressing school-specific needs.

Strategic Prevention Framework-Partnership for Success	
Number of youth served	108,563
Number of parents served	0
Number of caregivers served	0
Program has been evaluated	No
Evaluation report is available	Not applicable

URL for evaluation report:	Not applicable
URL for more program information:	https://dphhs.mt.gov/prevention

Program Description: The grant for the Strategic Prevention Framework-Partnership for Success (SPF-PFS) program is administered by the Prevention Bureau of the Addictive and Mental Disorders Division of DPHHS. The grant supports the implementation of prevention activities to address underage drinking (ages 9–20) and misuse/abuse of prescription drugs (ages 9–20) in 22 identified counties and reservations.

Further, the SPF-PFS Grant funds Parenting Montana, a universal prevention effort that braids together supportive tools grounded in evidence-based practices to help Montana families thrive. The specific goal is to cultivate a positive, healthy culture among Montana parents with an emphasis on curbing underage drinking and to provide tools and resources to address everyday parenting challenges.

Your Community Matters

Number of youth served	0
Number of parents served	0
Number of caregivers served	0
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	https://mtrevenue.gov/liquor-tobacco/liquor-education/

Program Description: ABCD Outreach and Education RASS training programs reach out to the citizens of Montana in two distinct ways. “Your Community Matters” is Montana’s alcohol sales and service training program and it focuses on how to prevent sales to underage persons. Anyone who serves or sells alcohol is required to complete this training within 60 days of their date of hire and every 3 years thereafter. A curriculum titled Your Community Matters is taught by volunteers trained by the ABCD. In the year of 2020, volunteers trained approximately 3,750 citizens. Our second method of reaching our citizens is through approved RASS online providers. The nine online providers trained approximately 9,700 people.

Driving Under the Influence (DUI) Task Forces

Number of youth served	0
Number of parents served	0
Number of caregivers served	0
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	https://www.mdt.mt.gov/visionzero/plans/dui-taskforces.shtml

Program Description: Driving Under the Influence (DUI) Task Forces are multifaceted coalitions that invite participation from a cross-section of community representatives to maximize their reach and effectiveness. Task forces operate at the county level to reduce and prevent impaired driving. They may engage the community in a variety of activities, including responsible alcohol sales and service training, retail compliance checks, party and keg patrols, overtime traffic patrols, education and media advocacy, public service announcements, victim impact panels, support for prosecution and adjudication of DUI cases, and designated-driver and safe ride home programs.

Currently, there are 36 Task Forces covering 39 counties.

It is difficult to estimate the number of youth served or participating in the DUI Task Forces across the state. The Comprehensive Highway Safety Plan (CHSP) also includes strategies for developing education campaigns about the dangers of impaired driving, supports targeted enforcement for high-risk drivers, and calls for improving the minor-in-possession (MIP) process in Montana.

Alive at 25

Number of youth served	269
Number of parents served	0
Number of caregivers served	0
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	https://dojmt.gov/highwaypatrol/alive-at-25/

Program Description: This highly interactive 4-hour program encourages young drivers between the ages of 16 and 24 to take responsibility for their driving behavior. Alive at 25 instructors use personal examples, workbook exercises, interactive media segments, group discussions, role plays, and short lectures to help young drivers develop strategies that will keep them safer on the road. Montana’s Buckle Up Coalitions support the Alive at 25 programs by hosting and coordinating local courses and coordinating with trained Montana Highway Patrol officers as instructors.

Montana Office of Public Instruction Traffic Education Curriculum

Number of youth served	7,278
Number of parents served	0
Number of caregivers served	0
Program has been evaluated	Yes
Evaluation report is available	Yes
URL for evaluation report:	https://gems.opi.mt.gov/school-district-data
URL for more program information:	http://opi.mt.gov/Families-Students/Family-Student-Support/Driver-Education

Program Description: Montana Traffic Education standards and curriculum are aligned with national standards and with Montana's Graduated Driver's Licensing (GDL) requirements. Parent meetings and alcohol and drug prevention education are required in Montana's driver education programs provided through public high schools. GDL requires 50 hours of supervised driving practice and parent/legal guardian certification that the teen driver has no convictions or pending citations for traffic, alcohol, or drug violations.

Additional Underage Drinking Prevention Programs Operated or Funded by the State

No data

Additional Clarification

No data

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized tribal governments in the prevention of underage drinking Yes

Description of collaboration: American Indians comprise 6.2% of the population in Montana, but represent about approximately 17% of the motor vehicle crash deaths in the state each year. In an effort to spread the safety message in Tribal communities, Montana Department of Transportation developed the Safe On All Roads (SOAR) program. This is a traffic safety education program that provides strong and meaningful messages relevant to the individual culture of each community. Coordinators living and working in the community manage their local program and assist in developing appropriate education material. Our goal is to

decrease Native American fatalities from the 2014–2018 five-year rolling average of 37 to 34.9 by December 31, 2025. (See: <https://www.mdt.mt.gov/visionzero/plans/soar.shtml>).

Through the Partnership for Success Grant and the Substance Abuse Prevention and Treatment Block Grant, from the Substance Abuse and Mental Health Services Administration (SAMHSA), five of the eight federally recognized tribes are sub-grant recipients. The focus is to curb underage drinking and address youth substance abuse prevention efforts.

<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Description of program: Not applicable	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	Yes
Federal campaigns: Talk. They Hear You.	Yes
Regional and local media campaigns: Let's Face it Montana	Yes
Local school district efforts:	No
Other: www.ParentingMontana.org	Yes
<i>State collaborates with/participates in SAMHSA's national media campaign, "Talk. They Hear You."</i>	Yes
State officially endorses TTHY efforts	Yes
State commits state resources for TTHY	No
State forwards TTHY materials to local areas	Yes
Other:	No
<i>State procures funding for TTHY</i>	No
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMSHA Evidence-Based Practice Resource Center	Yes
Agency(ies) within your state: Montana Evidence-Based Work Group	Yes
Nongovernmental agency(ies): Blue Prints, Pew-McArthur, California Clearing House; FRIENDS National Resource Center for Community-Based Child Abuse	Yes
Other:	No
Best practice standards description: The Montana Evidence-Based Work Group has established a set of guidelines to help communities select the most appropriate and "best fit" prevention strategies in their community to achieve the greatest outcomes. The Work Group has developed guidelines for using evidence-informed strategies when an evidence-based practice might not be available for rural and frontier areas or within the diverse cultural or geographic characteristics or community. The group has researched, evaluated, and developed an Evidence-Based Approved List of Programs for Montana that communities can select for implementation.	

Additional Clarification

No data

State Interagency Collaboration

A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities Yes

Committee contact information:

Name: Kimberly Koch
 Email: kimberly.koch@mt.gov
 Address: 100 N. Park Ave Suite 300, Helena, MT 59620
 Phone: 1-406-444-3749

Agencies/organizations represented on the committee:

Department of Corrections & Montana Board of Crime Control

Montana Governor's Office and Office of Indian Affairs
 Department of Justice, Office of the Attorney General
 Department of Labor and Industry
 Department of Public Health and Human Services
 Montana Children's Trust Fund
 Office of Public Instruction
 Department of Military Affairs
 Department of Transportation
 Department of Revenue

A website or other public source exists to describe committee activities	Yes
URL or other means of access: https://dphhs.mt.gov/prevention/WhatistheICC	

Underage Drinking Reports

State has prepared a plan for preventing underage drinking in the last 3 years	Yes
Prepared by: The Data-Driven Prevention Initiative to prevent overdose deaths caused by opioid misuse and abuse convened a year-long strategic planning session, and in addition to the opioid requirement, the focus was much broader around addressing substance use disorders. Preventing underage drinking is part of the plan. Plan can be accessed via: https://dphhs.mt.gov/Portals/85/publichealth/documents/EMSTS/opioids/MontanaSubstanceUseDisordersTaskForceStrategicPlan.pdf	

State has prepared a report on preventing underage drinking in the last 3 years	Yes
Prepared by: The Montana State Epidemiological Outcomes Workgroup (SEOW) developed an "Alcohol Use in Montana" data report in 2021. The data report provides a snapshot of alcohol use in Montana from 2017 to 2019. Report can be accessed via: https://dphhs.mt.gov/assets/publichealth/Epidemiology/EpiAlcoholUse2021.pdf	

Additional Clarification

Although we do not have a "report" specifically on underage drinking in Montana, we have common datasets, such as the Youth Risk Behavior Survey (YRBS) and the Montana Prevention Needs Assessment reports that drive decision-making. We have worked with our Office of Epidemiology and Scientific Support section to create a white paper on Youth Drinking and Driving.
<https://dphhs.mt.gov/assets/publichealth/Epidemiology/Mental/MentalYouthDriving2020.pdf>

State Expenditures for the Prevention of Underage Drinking

<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$102,926.71
Estimate based on the 12 months ending	12/31/2020
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	12/31/2020
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$825,000
Estimate based on the 12 months ending	12/31/2020
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$54,000
Estimate based on the 12 months ending	12/31/2020
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Programs that target youth in the child welfare system:

Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available

Other programs:

Programs or strategies included: Data not available	
Estimate of state funds expended:	Data not available
Estimate based on the 12 months ending:	Data not available

Funds Dedicated to Underage Drinking*State derives funds dedicated to underage drinking from the following revenue streams:*

Taxes	Yes
Fines	No
Fees	No
Other: Not applicable	No

Description of funding streams and how they are used:

Alcohol Tax is used to support Alcohol Compliance Inspections and Reward and Reminder Surveys.

Additional Clarification

No data



ICCPUD

**THE INTERAGENCY COORDINATING COMMITTEE
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

