

# HOUSE BILL 145

A2

8lr0489

---

By: **Montgomery County Delegation**

Introduced and read first time: January 17, 2018

Assigned to: Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Kensington – Alcoholic Beverages Licenses**

3 **MC 12–18**

4 FOR the purpose of authorizing the Board of License Commissioners for Montgomery  
5 County to issue a local caterer's license to a certain Class B license holder in  
6 Kensington; altering the ratio of gross receipts between certain food and alcoholic  
7 beverages for a B–K license holder; authorizing the Board to issue not more than a  
8 certain number in aggregate of Class A (off–sale) beer and wine licenses, Class D  
9 beer licenses, and Class D beer and wine licenses for use in certain commercial areas  
10 in Kensington; repealing a certain provision of law that prohibits a holder of a Class  
11 A beer and wine license in Kensington from selling single bottles or cans of beer and  
12 selling refrigerated products; prohibiting a holder of a Class D beer license and a  
13 Class D beer and wine license in Kensington from placing certain alcoholic beverages  
14 advertisements in a certain location; altering the hours of sale for a Class A beer and  
15 wine license holder in Kensington; and generally relating to alcoholic beverages in  
16 Kensington.

17 BY repealing and reenacting, without amendments,  
18 Article – Alcoholic Beverages  
19 Section 25–102  
20 Annotated Code of Maryland  
21 (2016 Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Alcoholic Beverages  
24 Section 25–1201, 25–1604, and 25–2004(c)  
25 Annotated Code of Maryland  
26 (2016 Volume and 2017 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

25–102.

This title applies only in Montgomery County.

25–1201.

(a) (1) There is a local caterer's license.

(2) The license is a separate alcoholic beverages license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to a person that:

(i) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** does not already hold a license issued by the Board;

(ii) has facilities to prepare and deliver food to the site of a catered event; and

(iii) meets all other requirements of this article.

**(2) THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT HOLDS A CLASS B BEER AND WINE LICENSE OR A CLASS B BEER, WINE, AND LIQUOR LICENSE IN KENSINGTON.**

**[(2)] (3)** Before the Board issues or renews the license, the county health department shall approve the food preparation facilities for a catered event.

**[(3)] (4)** An applicant for or holder of the license is not required to have a banquet hall.

(c) The license authorizes a holder to:

(1) provide alcoholic beverages at an event that is held off the premises of the food preparation facilities; and

(2) exercise the privileges of the license only during the hours and on the days authorized for a Class B beer, wine, and liquor license.

(d) The license holder may not:

(1) hold an event that the license holder sponsors; or

1           (2)     provide only alcoholic beverages at an event.

2           (e)     The license holder shall:

3                 (1)     contract for and provide food for consumption at a catered event;

4                 (2)     meet the same ratio of gross receipts between food and alcoholic  
5     beverage sales as a holder of a Class B beer, wine, and liquor license; and

6                 (3)     purchase all alcoholic beverages from the Department of Liquor  
7     Control.

8           (f)     The annual license fee is \$1,250.

9     25–1604.

10          (a)     This section applies only to Kensington.

11          (b)     (1)     The Board may issue:

12                     (i)     a 2–day on–sale beer and wine license or a 2–day on–sale beer,  
13     wine, and liquor license to a religious, fraternal, civic, or charitable organization holding  
14     an event on municipal property located at 3710 Mitchell Street; and

15                     (ii)    a B–K beer and wine license or a B–K beer, wine, and liquor  
16     license for use on the site of a restaurant in the following commercial areas:

17                             1.     the west side of Connecticut Avenue between Knowles  
18     Avenue and Perry Avenue;

19                             2.     the east side of Connecticut Avenue between Knowles  
20     Avenue and Dupont Street and between University Boulevard and Perry Avenue;

21                             3.     the west side of University Boulevard West;

22                             4.     Dupont Avenue, west of Connecticut Avenue;

23                             5.     Plyers Mill Road, west of Metropolitan Avenue;

24                             6.     Summit Avenue between Knowles Avenue and Howard  
25     Avenue;

26                             7.     Detrick Avenue between Knowles Avenue and Howard  
27     Avenue;

28                             8.     the southwest side of Metropolitan Avenue between North

Kensington Parkway and Plyers Mill Road;

9. East Howard Avenue;

10. Armory Avenue between Howard Avenue and Knowles Avenue;

11. Montgomery Avenue between Howard Avenue and Kensington Parkway;

12. Kensington Parkway and Frederick Avenue, from Montgomery Avenue to Silver Creek; or

13. the east side of Connecticut Avenue between Warner Street and Knowles Avenue.

(2) A B–K beer, wine, and liquor license or a B–K beer and wine license authorizes the holder to keep for sale and sell alcoholic beverages for on–premises consumption.

(3) A license holder shall maintain average daily receipts from the sale of food, not including carryout food, of at least **[50%] 40%** of the overall average daily receipts.

(c) (1) The Board may issue:

(i) **IN AGGREGATE**, not more than **[three] FOUR** Class A (off–sale) beer and wine licenses, **CLASS D BEER LICENSES, AND CLASS D BEER AND WINE LICENSES** for use in the commercial areas specified in subsection (b)(1)(ii) of this section; and

(ii) subject to § 25–1306 of this title, not more than three beer and wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.

(2) A Class A beer and wine license authorizes the holder to keep for sale and sell beer or wine for off–premises consumption 7 days a week, from 10 a.m. to 8 p.m. daily.

(3) A holder of a Class A beer and wine license, **A CLASS D BEER LICENSE, AND A CLASS D BEER AND WINE LICENSE** may not[:

(i) sell single bottles or cans of beer;

(ii) sell refrigerated products; or

(iii)], on a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly

1 visible location.

2 (4) The annual license fee is \$250.

3 25–2004.

4 (c) (1) Except as provided in paragraph (2) of this subsection, a holder of a  
5 Class B–K beer and wine license may sell beer and wine:

6 (i) on Monday through Saturday, from 9 a.m. to 1 a.m. the following  
7 day; and

8 (ii) on Sunday, from 10 a.m. to 1 a.m. the following day.

9 (2) The license holder may not sell beer or wine after [11 p.m.] **12 A.M.** if  
10 the licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through  
11 13 of this title.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2018.