

HOUSE BILL 146

A2

8lr0426

By: **Montgomery County Delegation**

Introduced and read first time: January 17, 2018

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2018

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Class 7 Micro–Brewery License –**
3 **Issuance**

4 **MC 9–18**

5 FOR the purpose of adding the holder of a Class BD–BWL alcoholic beverages license to
6 the list of license holders in Montgomery County eligible to be issued a Class 7
7 micro–brewery license by the Comptroller; specifying the privileges under certain
8 licenses of license holders eligible to be issued a Class 7 micro–brewery license;
9 ~~prohibiting the Comptroller from issuing more than a certain number of Class 7~~
10 ~~micro–brewery licenses in the Town of Kensington;~~ and generally relating to the sale
11 of alcoholic beverages in Montgomery County.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 25–102
15 Annotated Code of Maryland
16 (2016 Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 25–405
20 Annotated Code of Maryland
21 (2016 Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–405.

(a) This section applies to a Class 7 micro–brewery (on– and off–sale) license in the county.

(b) The license may be issued to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county;

(2) ~~SUBJECT TO SUBSECTION (C) OF THIS SECTION,~~ a Class D beer and wine license **THAT IS ISSUED FOR THE SALE OF BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION;** [or]

(3) a Class H beer and wine license **THAT IS ISSUED FOR THE SALE OF BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION; OR**

(4) **A CLASS BD–BWL LICENSE THAT IS ISSUED FOR THE SALE OF BEER AND WINE FOR ON– AND OFF–PREMISES CONSUMPTION, AND LIQUOR FOR ON–PREMISES CONSUMPTION, AT THE PLACE DESCRIBED IN THE LICENSE.**

~~(C) THE COMPTROLLER MAY NOT ISSUE MORE THAN AN AGGREGATE AMOUNT OF TWO CLASS 7 MICRO–BREWERY LICENSES TO HOLDERS OF CLASS D BEER AND WINE LICENSES IN THE TOWN OF KENSINGTON.~~

~~[(c)] (D)~~ A holder of the license shall enter into a written agreement with the Department of Liquor Control for the sale and resale of malt beverages brewed under the license.

~~[(d)] (E)~~ (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro–brewery license may:

(i) brew in two locations using the same Class 7 micro–brewery license; and

1 (ii) obtain a Class 2 rectifying license for the premises at the two
2 locations authorized under item (i) of this paragraph.

3 (2) The holder of a Class 7 micro–brewery license may brew in two locations
4 using the same Class 7 micro–brewery license if the license holder:

5 (i) requests permission by submitting a written application to the
6 Comptroller; and

7 (ii) obtains written approval from the Comptroller.

8 (3) Before authorizing a holder of a Class 7 micro–brewery license to brew
9 in two locations using the same Class 7 micro–brewery license, the Comptroller shall:

10 (i) make a determination that a second location to brew additional
11 capacity is necessary due to insufficient space at the existing Class 7 license location; and

12 (ii) consider any other factor relevant to approval of the application.

13 (4) Notwithstanding any other provision of this article, a holder of a Class
14 7 micro–brewery license may not serve or sell malt beverages for on– or off–premises
15 consumption at the second brewing location authorized under this subsection.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.