

HOUSE BILL 762

A2

4lr0758

By: **Montgomery County Delegation**

Introduced and read first time: January 31, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Class B Beer, Wine, and Liquor**
3 **License – Off-Premises Consumption**

4 **MC 9–24**

5 FOR the purpose of authorizing the holder of a certain Class B beer, wine, and liquor license
6 in Montgomery County to sell beer and wine in certain sealed containers for
7 off-premises consumption, subject to certain requirements; authorizing the Board of
8 License Commissioners for Montgomery County to adopt certain regulations; and
9 generally relating to alcoholic beverages in Montgomery County.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages and Cannabis
12 Section 25–102
13 Annotated Code of Maryland
14 (2016 Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages and Cannabis
17 Section 25–902
18 Annotated Code of Maryland
19 (2016 Volume and 2023 Supplement)

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

22 **Article – Alcoholic Beverages and Cannabis**

23 25–102.

24 This title applies only in Montgomery County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 25-902.

2 (a) There is a Class B beer, wine, and liquor license.

3 (b) The Board may issue the license to the owner or operator of a restaurant or
4 hotel if:

5 (1) before the issuance of the license, the owner or operator attests in a
6 sworn statement that gross receipts from food sales in the restaurant or hotel will be at
7 least equal to 40% of the gross receipts from the sale of food and alcoholic beverages; and

8 (2) before each renewal of the license, the owner or operator attests in a
9 sworn statement that the gross receipts from food sales in the restaurant or hotel for the
10 12 months immediately before the application for renewal have been at least equal to 40%
11 of the gross receipts from the sale of food and alcoholic beverages.

12 (c) The license authorizes the license holder to sell [beer, wine, and liquor at
13 retail] at the place described in the license:

14 (1) BEER, WINE, AND LIQUOR AT RETAIL for on-premises consumption;
15 AND

16 (2) BEER AND WINE IN CONTAINERS SEALED WITH THE
17 MANUFACTURER'S ORIGINAL SEAL FOR OFF-PREMISES CONSUMPTION ONLY TO A
18 PERSON WHO HAS PURCHASED PREPARED FOOD FROM THE LICENSED PREMISES.

19 (D) (1) THE LICENSE HOLDER MAY NOT DISPLAY OR PROVIDE SHELVING
20 FOR BEER OR WINE FOR OFF-PREMISES SALES IN AREAS OF THE ESTABLISHMENT
21 THAT ARE ACCESSIBLE TO THE PUBLIC.

22 (2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED
23 UNDER THE LICENSE SHALL BE INCLUDED IN THE CALCULATION OF GROSS
24 RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

25 (3) THE LICENSE HOLDER MAY SELL BEER AND WINE FOR
26 OFF-PREMISES CONSUMPTION ONLY WHEN THE LICENSED PREMISES IS OPEN FOR
27 BUSINESS AS A HOTEL OR RESTAURANT.

28 (E) (1) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS
29 SECTION, INCLUDING REGULATIONS THAT LIMIT THE QUANTITY OF BEER AND WINE
30 THAT MAY BE SOLD TO A PERSON FOR OFF-PREMISES CONSUMPTION IN A SINGLE
31 TRANSACTION.

32 [(d)] (2) The Board shall adopt regulations to provide for audits to determine

1 the ratio of gross receipts from the sale of food to gross receipts from the sale of beer, wine,
2 and liquor.

3 **[(e)] (F)** (1) The Board may revoke a license if the license holder fails to
4 maintain the ratio of gross receipts from the sale of food to gross receipts from the sale of
5 alcoholic beverages required under this section:

6 (i) during the initial license year, for 3 consecutive months; or

7 (ii) after the initial license year, for each license or calendar year.

8 (2) The Board may require a license holder to provide supporting data as
9 the Board considers necessary to establish that the license holder has met the requirements
10 of this section relating to the ratio of gross receipts from the sale of food to gross receipts
11 from the sale of alcoholic beverages.

12 **[(f)] (G)** The annual license fee is \$2,500.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2024.