

HOUSE BILL 762

A2

4lr0758

By: **Montgomery County Delegation**

Introduced and read first time: January 31, 2024

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2024

CHAPTER _____

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:

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.



Article – Alcoholic Beverages and Cannabis

25–102.

This title applies only in Montgomery County.

25–902.

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

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

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

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

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

(1) BEER, WINE, AND LIQUOR AT RETAIL for on–premises consumption;
AND

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

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

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

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

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

5 **[(d)] (2)** The Board shall adopt regulations to provide for audits to determine
6 the ratio of gross receipts from the sale of food to gross receipts from the sale of beer, wine,
7 and liquor.

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.