

HOUSE BILL 306

A2

EMERGENCY BILL

7lr0791

By: **Montgomery County Delegation**

Introduced and read first time: January 25, 2017

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Tasting at Dispensaries**

3 **MC 19–17**

4 FOR the purpose of authorizing the Department of Liquor Control for Montgomery County
5 to hold tastings of beer, wine, and liquor in the inventory of the dispensary under
6 certain circumstances at certain dispensaries; ~~authorizing a dispensary to serve, for~~
7 ~~tasting, beer, wine, and liquor that are in the inventory of the dispensary,~~ limiting
8 the quantity of beer, wine, and liquor that an individual may consume as part of a
9 tasting; making this Act an emergency measure; and generally relating to alcoholic
10 beverages in Montgomery County.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 25–102 and 25–301
14 Annotated Code of Maryland
15 (2016 Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 25–310
19 Annotated Code of Maryland
20 (2016 Volume and 2016 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.

25–301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Department” means the County Department of Liquor Control.

(c) “Director” means the Director of the Department.

(d) “Dispensary” means a store established and maintained by the Department
for the sale of alcoholic beverages.

25–310.

(a) With the approval of the County Executive, the Director may establish a
dispensary at one or more locations that the Director determines.

(b) (1) The Department may sell its inventory through:

(i) dispensaries selling at wholesale and retail; and

(ii) subject to subsection (c) of this section, retail outlets operated by
individuals with whom the Department contracts.

(2) Notwithstanding any other law, the Director may sell at wholesale or
retail alcoholic beverages in whole cases or in individual bottles through dispensaries to a
license holder in the county.

(3) The Department may not sell alcoholic beverages at different prices to
different license holders or classes of license holders.

(c) (1) The Director may not contract with a person to operate:

(i) a dispensary; or

(ii) except as provided in paragraph (2) of this subsection, a retail
outlet for the sale of beer, wine, and liquor.

(2) The Director may enter into a contract with a person to operate a retail outlet for the sale of beer, wine, and liquor if:

(i) the Board of License Commissioners determines that the person is fit to operate the retail outlet; and

(ii) the Director had a contract with a person to operate the retail outlet on January 1, 1997.

(d) A dispensary or a retail outlet operated under contract with the Director:

(1) may sell only:

(i) EXCEPT AS PROVIDED FOR IN SUBSECTION (E) OF THIS SUBSECTION, for off-premises consumption, nonchilled beer, wine, and liquor;

(ii) ice;

(iii) bottled water; and

(iv) items commonly associated with the serving or consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

(2) may not sell snack foods or soft drinks.

(e) **(1) A DISPENSARY MAY SELL ANY PRODUCT IN THE DISPENSARY'S INVENTORY FOR THE PURPOSE OF:**

(I) ~~HOLD~~ HOLDING TASTINGS OF BEER, WINE, AND LIQUOR ON THE PREMISES OF THE DISPENSARY ONLY;

(II) ~~SERVE~~ SERVING, FOR TASTING, BEER, WINE, AND LIQUOR ~~THAT ARE IN THE INVENTORY OF THE DISPENSARY;~~ AND

(III) ~~ALLOW~~ ALLOWING THE CONSUMPTION OF BEER, WINE, AND LIQUOR BY AN INDIVIDUAL FOR TASTING IN A QUANTITY OF NOT MORE THAN:

1. ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR;

2. 1.5 OUNCES FROM ALL OFFERINGS OF LIQUOR IN A DAY;

3. 1 OUNCE FROM EACH OFFERING OF WINE;

4. 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY;

5. 3 OUNCES FROM EACH OFFERING OF BEER; AND

6. 12 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.

(2) ONCE OPENED, A BOTTLE USED FOR BEER, WINE, OR LIQUOR TASTING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.

(F) The Department may sell or deliver alcoholic beverages to a retail license holder from 6 a.m. to midnight on every day except Sunday.

[(f)] (G) A manager of a dispensary, an individual who contracts to operate a retail outlet as authorized under subsection (c) of this section, or an employee of a dispensary or retail outlet who commits a prohibited act related to the sale or providing of alcoholic beverages to individuals under the age of 21 years under this article or the Criminal Law Article is subject to:

(1) any penalty authorized by law, including a civil citation issued under § 10–119 of the Criminal Law Article; and

(2) a fine and suspension or revocation of employment by the Board in the same manner as a license holder or employee of a license holder would be subject to a fine and suspension or revocation of the license for the violation.

[(g)] (H) Title 4, Subtitle 2 of this article does not apply to this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.