

# HOUSE BILL 233

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2lr0432

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By: **Montgomery County Delegation**

Introduced and read first time: January 13, 2022

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

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

3 **MC 07–22**

4 FOR the purpose of adding a holder of a Class D beer, wine, and liquor license to the list of  
5 license holders in Montgomery County eligible to be issued a Class 7 micro–brewery  
6 license by the Alcohol and Tobacco Commission; and generally relating to alcoholic  
7 beverages in Montgomery County.

8 BY repealing and reenacting, without amendments,  
9 Article – Alcoholic Beverages  
10 Section 25–102  
11 Annotated Code of Maryland  
12 (2016 Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Alcoholic Beverages  
15 Section 25–405  
16 Annotated Code of Maryland  
17 (2016 Volume and 2021 Supplement)

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

20 **Article – Alcoholic Beverages**

21 25–102.

22 This title applies only in Montgomery County.

23 25–405.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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;

(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; **OR**

**(5) A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT IS ISSUED FOR THE SALE OF BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION, AT THE PLACE DESCRIBED IN THE LICENSE.**

(c) The [Comptroller] **COMMISSION** 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.

(d) A holder of the license shall enter into a written agreement with the Alcohol Beverage Services for the sale and resale of malt beverages brewed under the license.

(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

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

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

(i) requests permission by submitting a written application to the [Comptroller] **COMMISSION**; and

1 (ii) obtains written approval from the [Comptroller] **COMMISSION**.

2 (3) Before authorizing a holder of a Class 7 micro–brewery license to brew  
3 in two locations using the same Class 7 micro–brewery license, the [Comptroller]  
4 **COMMISSION** shall:

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

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

8 (4) Notwithstanding any other provision of this article, a holder of a Class  
9 7 micro–brewery license may not serve or sell malt beverages for on– or off–premises  
10 consumption at the second brewing location authorized under this subsection.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
12 1, 2022.