

HOUSE BILL 1229

A2

5lr1246

By: **Montgomery County Delegation**

Introduced and read first time: February 7, 2025

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages Licenses – Health and Safety**
3 **~~Regulations~~**

4 **MC 21–25**

5 FOR the purpose of requiring the Board of License Commissioners for Montgomery County
6 to ~~adopt regulations to gather certain information about certain retail~~
7 ~~establishments with certain alcoholic beverages licenses and to promote the public~~
8 ~~health and safety of the community based on the density of the retail establishments;~~
9 ~~authorizing the Board to consider certain public testimony~~ consider, before deciding
10 whether to approve an application and issue a new license permitting the sale of
11 alcoholic beverages for off-premises consumption, the impact of the density of
12 existing retail establishments licensed in the county to sell alcoholic beverages for
13 off-premises consumption on the public health and safety of the community; and
14 generally relating to alcoholic beverages licenses in Montgomery County.

15 BY repealing and reenacting, without amendments,
16 Article – Alcoholic Beverages and Cannabis
17 Section 4–210(a) and 25–102
18 Annotated Code of Maryland
19 (2024 Replacement Volume)

20 ~~BY adding to~~
21 ~~Article – Alcoholic Beverages and Cannabis~~
22 ~~Section 25–207~~

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.



~~Annotated Code of Maryland~~
~~(2024 Replacement Volume)~~

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages and Cannabis
Section 25–1501
Annotated Code of Maryland
(2024 Replacement Volume)

BY adding to
Article – Alcoholic Beverages and Cannabis
Section 25–1507
Annotated Code of Maryland
(2024 Replacement Volume)

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

Article – Alcoholic Beverages and Cannabis

4–210.

(a) Before deciding whether to approve an application and issue a license, a local
licensing board shall consider:

(1) the public need and desire for the license;

(2) the number and location of existing license holders;

(3) the potential effect on existing license holders of the license for which
application is made;

(4) the potential commonality or uniqueness of the services and products
to be offered by the business of the applicant;

(5) the impact of the license for which application is made on the health,
safety, and welfare of the community, including issues relating to crime, traffic, parking,
or convenience; and

(6) any other factor that the local licensing board considers necessary.

25–102.

This title applies only in Montgomery County.

~~25–207.~~

~~(A) THE BOARD SHALL ADOPT REGULATIONS TO:~~

~~(1) GATHER INFORMATION ABOUT THE NUMBER AND LOCATION OF
RETAIL ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR
OFF-PREMISES CONSUMPTION IN THE COUNTY; AND~~

~~(2) PROMOTE THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY
BASED ON THE IMPACT OF THE DENSITY OF RETAIL ESTABLISHMENTS LICENSED TO
SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION IN THE COUNTY.~~

~~(B) THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS
SECTION SHALL BE:~~

~~(1) COLLECTED EACH TIME A NEW LICENSE IS ISSUED OR AN
EXISTING LICENSE IS RENEWED FOR A RETAIL ESTABLISHMENT; AND~~

~~(2) CONSIDERED WHEN DETERMINING WHETHER TO AUTHORIZE NEW
LICENSES OR RENEW EXISTING LICENSES FOR RETAIL ESTABLISHMENTS.~~

~~(C) FOR EACH LICENSE BEING CONSIDERED, THE BOARD MAY HEAR
TESTIMONY RELATED TO THE IMPACT ON THE HEALTH AND SAFETY OF THE PUBLIC
BASED ON THE NUMBER OF LICENSES ISSUED FOR OFF-PREMISES CONSUMPTION,
IN ADDITION TO ANY PUBLICLY OFFERED CONCERNS.~~

25-1501.

(a) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local Licenses") of Division I of this article apply in the county without exception or variation:

(1) § 4-205 ("Chain store, supermarket, or discount house");

(2) § 4-206 ("Limitations on retail sales floor space");

(3) § 4-207 ("Licenses issued to minors");

(4) § 4-209 ("Hearing");

(5) [§ 4-210 ("Approval or denial of license application");

(6)] § 4-211 ("License forms; effective date; expiration");

[(7)] (6) § 4-212 ("License not property"); and

[(8)] (7) § 4-213 ("Replacement licenses").

(b) Section 4–214 (“Waiting periods after denial of license applications”) of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county:

(1) § 4–202 (“Authority of local licensing boards”), subject to § 25–1502 of this subtitle;

(2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 25–1503 of this subtitle and Subtitle 13, Part III and Subtitle 16, Part II of this title;

(3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to § 25–1503 of this subtitle and Subtitle 13, Part III of this title; [and]

(4) § 4–208 (“Notice of license application required”), subject to § 25–1506 of this subtitle; AND

(5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”),
SUBJECT TO ~~§ 25–207~~ § 25–1507 OF THIS SUBTITLE.

25–1507.

BEFORE DECIDING WHETHER TO APPROVE AN APPLICATION AND ISSUE A NEW LICENSE PERMITTING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, THE BOARD SHALL CONSIDER THE IMPACT OF THE DENSITY OF EXISTING RETAIL ESTABLISHMENTS LICENSED IN THE COUNTY TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ON THE PUBLIC HEALTH AND SAFETY OF THE COMMUNITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.