

SENATE BILL 459

A2

4r2191
CF HB 269

By: **Montgomery County Senators**

Introduced and read first time: January 27, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2014

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Class B Beer, Wine and Liquor**
3 **(Clubhouse/Lodge) License**

4 FOR the purpose of establishing in Montgomery County a special Class B beer, wine
5 and liquor (BWL) (clubhouse/lodge) license; specifying ~~the type of facility to~~
6 ~~which~~ that the Board of License Commissioners may issue a Class B–BWL
7 (clubhouse/lodge) license only to a certain person for use by a certain facility;
8 specifying that a Class B–BWL (clubhouse/lodge) license authorizes a holder to
9 serve certain alcoholic beverages on the licensed premises, off the licensed
10 premises, or for tasting purposes at no charge or for a fee; specifying that
11 certain restrictions do not apply to the issuance of a Class B–BWL
12 (clubhouse/lodge) license; specifying an annual license fee; authorizing the
13 Executive Director of the Montgomery County Revenue Authority to hold more
14 than one Class B–BWL (clubhouse/lodge) license for the use of certain public
15 golf courses; and generally relating to alcoholic beverages in Montgomery
16 County.

17 BY repealing and reenacting, without amendments,
18 Article 2B – Alcoholic Beverages
19 Section 6–201(q)(1) and (2)
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2013 Supplement)

22 BY adding to
23 Article 2B – Alcoholic Beverages

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.



1 Section 6–201(q)(5)
 2 Annotated Code of Maryland
 3 (2011 Replacement Volume and 2013 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article 2B – Alcoholic Beverages
 6 Section 9–102.2
 7 Annotated Code of Maryland
 8 (2011 Replacement Volume and 2013 Supplement)

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

11 **Article 2B – Alcoholic Beverages**

12 6–201.

13 (q) (1) (i) This subsection applies only in Montgomery County.

14 (ii) 1. In this subsection the following words have the
 15 meanings indicated.

16 2. “Board” means the Board of License Commissioners.

17 3. “Dining area” means the area occupied by patrons for
 18 the consumption of food and includes a cocktail area where food need not be served if
 19 there is no separate outdoor entrance to the cocktail area.

20 (2) (i) 1. The Board may issue this license only to the owner of
 21 any restaurant or hotel.

22 2. The restaurant shall be located in the second, third,
 23 fourth, sixth, seventh, eighth, ninth, tenth, or thirteenth election districts.

24 3. The licensee may not be located in the Towns of
 25 Poolesville, Takoma Park, and Kensington.

26 (ii) 1. As a prerequisite for the initial issuance of a license
 27 under this subsection, the owner shall attest in a sworn statement that gross receipts
 28 from food sales in the restaurant or hotel will be at least equal to the gross receipts
 29 from the sale of alcoholic beverages.

30 2. As a prerequisite for each renewal of a license issued
 31 under this subsection, the owner shall attest in a sworn statement that the gross
 32 receipts from food sales in the restaurant or hotel for the 12–month period
 33 immediately preceding the application for renewal have been at least equal to the
 34 gross receipts from the sale of alcoholic beverages.

1 3. The Board by regulation shall provide for periodic
2 inspection of the premises and for audits to determine the ratio of gross receipts from
3 the sale of food to gross receipts from the sale of alcoholic beverages.

4 4. Any regulations adopted by the Board shall include a
5 requirement of at least monthly physical inspections of the premises during the initial
6 license year of any licensee and the submission by the licensee to the Board, during
7 the initial license year, of monthly statements showing gross receipts from the sale of
8 food and gross receipts from the sale of alcoholic beverages for the immediately
9 preceding month.

10 5. In the event that a licensee, during the initial license
11 year, fails to maintain the sales ratio requirement provided in this paragraph for a
12 period of three consecutive months or after the initial license year for each license or
13 calendar year, the Board, in its discretion, may revoke the license. The Board may
14 require any licensee to provide supporting data as it, in its discretion, deems
15 necessary, in order to establish that the requirements of this section relating to the
16 ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages
17 have been met.

18 (iii) A license issued under this subsection authorizes its holder
19 to keep for sale and sell alcoholic beverages for consumption on the premises only, and
20 alcoholic beverages may not be served to patrons or consumed at any bar, counter
21 without seats, or other room but in the dining area. However, the seats in the cocktail
22 area may not exceed 25 percent of the seats normally available for the general public
23 in the dining area, including the cocktail area portion, but excluding special banquet
24 and private party facilities.

25 (iv) Signs visible from the exterior of the building, advertising
26 the sale of alcoholic beverages, are not permitted in connection with any restaurant or
27 hotel holding a license issued under the provisions of this section except for the display
28 of the menu then in use by the licensee.

29 (v) 1. The annual license fee is \$2,500.

30 2. For the third license that is not restricted by location
31 and is obtained by a licensee under § 9–102.1 of this article, the annual fee is \$5,000.

32 **(5) (I) THERE IS A SPECIAL CLASS B LICENSE KNOWN AS A**
33 **CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE.**

34 **(II) THE BOARD MAY ISSUE A CLASS B–BWL**
35 **(CLUBHOUSE/LODGE) LICENSE ONLY TO THE EXECUTIVE DIRECTOR OF THE**
36 **MONTGOMERY COUNTY REVENUE AUTHORITY, OR THE EXECUTIVE**
37 **DIRECTOR’S DESIGNEE, FOR USE BY A MULTI–USE FACILITY THAT**

1 ACCOMMODATES A GOLF COURSE, A RESTAURANT, A CLUBHOUSE, A TASTING
2 BAR, AND THE CATERING OF EVENTS ANYWHERE ON THE PROPERTY.

3 (III) A CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE
4 AUTHORIZES THE HOLDER TO:

5 1. SELL BEER AND WINE FOR CONSUMPTION OFF
6 THE LICENSED PREMISES;

7 2. SELL BEER, WINE, AND LIQUOR FOR
8 CONSUMPTION ON THE LICENSED PREMISES; AND

9 3. OFFER SAMPLES OF ALCOHOLIC BEVERAGES AT
10 NO CHARGE OR FOR A FEE.

11 (IV) THE RESTRICTIONS CONTAINED IN PARAGRAPH (2) OF
12 THIS SUBSECTION DO NOT APPLY TO THE ISSUANCE OF A CLASS B-BWL
13 (CLUBHOUSE/LODGE) LICENSE.

14 (V) THE ANNUAL LICENSE FEE FOR A CLASS
15 B-BWL (CLUBHOUSE/LODGE) LICENSE IS \$1,000.

16 9-102.2.

17 (a) (1) The Director or Deputy Director of the Montgomery County Parks
18 Department of the Maryland-National Capital Park and Planning Commission may
19 hold more than one of the following alcoholic beverages licenses for the limited use of
20 public golf courses that are under the Commission's jurisdiction in Montgomery
21 County:

22 (i) A Class H beer (on-sale) license; or

23 (ii) A Class H beer and light wine (on-sale) license.

24 (2) The Executive Director of the Montgomery County Revenue
25 Authority or the Executive Director's designee may hold more than one of the
26 following alcoholic beverages licenses for the limited use of public golf courses that are
27 under the jurisdiction of the Revenue Authority:

28 (i) A Class H beer (on-sale) license; [or]

29 (ii) A Class H beer and light wine (on-sale) license; OR

30 (III) A CLASS B-BWL (CLUBHOUSE/LODGE) (BEER AND
31 WINE OFF-SALE; BEER, WINE, AND LIQUOR ON-SALE) LICENSE.

1 (3) A license issued under paragraph (2) of this subsection shall be
2 signed by the Revenue Authority’s Executive Director or the Executive Director’s
3 designee.

4 (b) (1) As a condition to holding any license under this section, the
5 Director or Deputy Director of the Montgomery County Parks Department of the
6 Maryland–National Capital Park and Planning Commission or the Executive Director
7 of the Montgomery County Revenue Authority or the Executive Director’s designee,
8 respectively, shall designate an individual with respect to each golf course to complete
9 training in an alcohol awareness program approved under § 13–101 of this article.

10 (2) The individual designated to complete training in an alcohol
11 awareness program under paragraph (1) of this subsection shall:

12 (i) Represent the concessionaire; and

13 (ii) Be involved with the management of the sale of beer or light
14 wine by the concessionaire at the golf course.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.