

Chapter 288

(House Bill 146)

AN ACT concerning

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

MC 9–18

FOR the purpose of adding the holder of a Class BD–BWL alcoholic beverages license to the list of license holders in Montgomery County eligible to be issued a Class 7 micro–brewery license by the Comptroller; specifying the privileges under certain licenses of license holders eligible to be issued a Class 7 micro–brewery license; ~~prohibiting the Comptroller from issuing more than a certain number of Class 7 micro–brewery licenses in the Town of Kensington;~~ and generally relating to the sale of alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 25–102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 25–405
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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.

25–405.

- (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;** [or]

(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.**

~~(c) THE COMPTROLLER 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.~~

~~(c)~~ ~~(d)~~ A holder of the license shall enter into a written agreement with the Department of Liquor Control for the sale and resale of malt beverages brewed under the license.

~~(d)~~ ~~(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; and

(ii) obtains written approval from the Comptroller.

(3) Before authorizing a holder of a Class 7 micro-brewery license to brew in two locations using the same Class 7 micro-brewery license, the Comptroller shall:

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, April 24, 2018.