

HOUSE BILL 430

A2

11r0640

By: **Montgomery County Delegation**

Introduced and read first time: January 15, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Seating Requirements**

3 **MC 11–21**

4 FOR the purpose of repealing certain seating capacity requirements for a BWL Community
5 Performing Arts Facility license for alcoholic beverages in Montgomery County; and
6 generally relating to alcoholic beverages licenses in Montgomery County.

7 BY repealing and reenacting, without amendments,

8 Article – Alcoholic Beverages

9 Section 25–102

10 Annotated Code of Maryland

11 (2016 Volume and 2020 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Alcoholic Beverages

14 Section 25–1004

15 Annotated Code of Maryland

16 (2016 Volume and 2020 Supplement)

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

19 **Article – Alcoholic Beverages**

20 25–102.

21 This title applies only in Montgomery County.

22 25–1004.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) There is a BWL Community Performing Arts Facility license.

2 (b) (1) The Board may issue the license for use by a nonprofit partnership,
3 limited liability company, corporation, or other entity that owns or leases a performing arts
4 facility that[:

5 (i) is used for art classes, banquets, community-related activities,
6 exhibits, live performances, shows, theater productions, visual art shows, and weddings[;
7 and

8 (ii) has:

9 1. a minimum capacity of 200 individuals; and

10 2. a maximum capacity of 1,499 individuals].

11 (2) The Board may not issue more than three licenses to a nonprofit
12 partnership, limited liability company, corporation, or other entity that owns or leases
13 performing arts facilities in separate locations.

14 (c) (1) The license authorizes the license holder to sell beer, wine, and liquor
15 by the drink from one or more outlets on the licensed premises for on-premises
16 consumption.

17 (2) The Board may impose conditions on the issuance or renewal of the
18 license that establish the areas in the community performing arts facility where beer, wine,
19 and liquor may be sold, served, possessed, or consumed.

20 (3) The license holder shall ensure that food is provided during the hours
21 beer, wine, and liquor are sold, served, possessed, or consumed.

22 (d) (1) The holder of a Class B-BWLHR license with catering authority, a local
23 caterer's license, or a State caterer's license may bring alcoholic beverages and food on the
24 licensed premises under the terms of a contract with a holder of a BWL Community
25 Performing Arts Facility license.

26 (2) A violation of this title that occurs when a caterer brings alcoholic
27 beverages on licensed premises as provided under paragraph (1) of this subsection is the
28 responsibility of the caterer and is not the responsibility of the license holder.

29 (e) The license holder may sell beer, wine, and liquor from 9 a.m. on any day of
30 the week to 2 a.m. the following day.

31 (f) The license may not be transferred to another location.

32 (g) The annual license fee is \$750.

1 (h) (1) There is a Community Performing Arts Facility special event permit.

2 (2) The Board may issue the permit only to the holder of a BWL
3 Community Performing Arts Facility license.

4 (3) A holder of the permit may sell beer, wine, or liquor for consumption on
5 the premises of the special event.

6 (4) A holder of the permit shall notify the Board in writing on a form
7 provided by the Board at least 14 days before each event.

8 (5) A holder of the permit may hold an unlimited number of events in a
9 year.

10 (6) The annual permit fee is \$200.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2021.