

Chapter 346

(House Bill 542)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License

MC 3–11

FOR the purpose of expanding the list of alcoholic beverages licenses that the Montgomery County Board of License Commissioners may issue in the City of Takoma Park to include a beer and wine sampling or tasting (BWST) license; authorizing the Board to issue a BWST license to certain persons; authorizing certain holders of a BWST license to hold only wine tastings or samplings; specifying the annual license fee; specifying certain conditions for the use of a BWST license; specifying certain maximum quantities of alcoholic beverages that may be consumed under certain conditions; specifying certain requirements for applying for and issuing a BWST license; authorizing an applicant for a BWST license to request a hearing before the Board under certain circumstances; defining a certain term; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–408.2
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

8–216.

(d) (1) The Montgomery County Board of License Commissioners may issue, renew, and transfer and otherwise provide for [7] 8 classes of alcoholic beverages licenses in the City of Takoma Park as follows:

- (i) Class B (on-sale) beer and light wine, hotel and restaurant licenses;
- (ii) Class H (on-sale) beer and light wine, hotel and restaurant licenses;
- (iii) Class B (on-sale) beer, wine and liquor, hotel and restaurant licenses;
- (iv) Class H-TP (on-sale) beer license;
- (v) Class D-TP (on- and off-sale) beer and light wine license;
- (vi) Class A-TP (off-sale) beer, wine and liquor license; [and]
- (vii) Class C-TP (on-sale) beer, wine and liquor license; AND

(VIII) BEER AND WINE SAMPLING OR TASTING (BWST) LICENSES ISSUED UNDER § 8-408.2 OF THIS TITLE.

8-408.2.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(B) IN THIS SECTION, "BOARD" MEANS THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE A BEER AND WINE SAMPLING OR TASTING (BWST) LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OR SAMPLINGS OF BEER OR WINE.

(2) A HOLDER OF A CLASS A WINE LICENSE MAY USE A BWST LICENSE TO HOLD TASTINGS OR SAMPLINGS OF WINE ONLY.

(D) THE ANNUAL LICENSE FEE FOR A BWST LICENSE IS \$200.

(E) (1) A BWST LICENSE AUTHORIZES SAMPLING OR TASTING OF ALCOHOLIC BEVERAGES ONLY ON THE LICENSED PREMISES OF THE HOLDER OF A CLASS A LICENSE.

(2) A HOLDER OF A BWST LICENSE MAY ALLOW CONSUMPTION BY A SINGLE INDIVIDUAL FOR SAMPLING OR TASTING PURPOSES OF NOT MORE THAN:

- (I) 1 OUNCE FROM A SINGLE BRAND OF WINE;**
- (II) 4 OUNCES FROM ALL BRANDS OF WINE IN A SINGLE DAY;**
- (III) 3 OUNCES FROM A SINGLE BRAND OF BEER; AND**
- (IV) 12 OUNCES FROM ALL BRANDS OF BEER IN A SINGLE DAY.**

(3) ONCE OPENED, EACH BOTTLE USED FOR THE BEER AND WINE TASTING OR SAMPLING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.

(4) THE HOLDER OF A BWST LICENSE SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH SAMPLING OR TASTING EVENT.

(F) (1) AN APPLICATION FOR A BWST LICENSE SHALL BE MADE ON A FORM SUPPLIED BY THE BOARD.

(2) A BWST LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.

(3) IF AN INITIAL APPLICATION FOR A BWST LICENSE IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.

(4) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION FOR A BWST LICENSE BEFORE ISSUING THE LICENSE.

(5) A RENEWAL OF A BWST LICENSE MAY BE MADE AT THE TIME THE HOLDER'S CLASS A LICENSE IS RENEWED.

(G) THE PROVISIONS OF THIS SECTION ARE NOT RESTRICTED BY:

- (1) § 12-107(B) OF THIS ARTICLE; AND**
- (2) THE PROVISIONS IN § 9-102 OF THIS ARTICLE THAT PROHIBIT THE ISSUANCE OF TWO LICENSES FOR THE SAME PREMISES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 10, 2011.