

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

A BILL ENTITLED

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

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

21 BY adding to
22 Article 2B – Alcoholic Beverages
23 Section 6–201(q)(5)
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2013 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 2B – Alcoholic Beverages
28 Section 9–102.2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2013 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 6–201.

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

8 (ii) 1. In this subsection the following words have the
9 meanings indicated.

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

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

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

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

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

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

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

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

32 4. Any regulations adopted by the Board shall include a
33 requirement of at least monthly physical inspections of the premises during the initial

1 license year of any licensee and the submission by the licensee to the Board, during
2 the initial license year, of monthly statements showing gross receipts from the sale of
3 food and gross receipts from the sale of alcoholic beverages for the immediately
4 preceding month.

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

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

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

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

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

27 **(5) (I) THERE IS A SPECIAL CLASS B LICENSE KNOWN AS A**
28 **CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE.**

29 **(II) THE BOARD MAY ISSUE A CLASS B-BWL**
30 **(CLUBHOUSE/LODGE) LICENSE ONLY TO A MULTI-USE FACILITY THAT**
31 **ACCOMMODATES A GOLF COURSE, A RESTAURANT, A CLUBHOUSE, A TASTING**
32 **BAR, AND THE CATERING OF EVENTS ANYWHERE ON THE PROPERTY.**

33 **(III) A CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE**
34 **AUTHORIZES THE HOLDER TO:**

35 **1. SELL BEER AND WINE FOR CONSUMPTION OFF**
36 **THE LICENSED PREMISES;**

1 **2. SELL BEER, WINE, AND LIQUOR FOR**
2 **CONSUMPTION ON THE LICENSED PREMISES; AND**

3 **3. OFFER SAMPLES OF ALCOHOLIC BEVERAGES AT**
4 **NO CHARGE OR FOR A FEE.**

5 **(IV) THE RESTRICTIONS CONTAINED IN PARAGRAPH (2) OF**
6 **THIS SUBSECTION DO NOT APPLY TO THE ISSUANCE OF A CLASS B-BWL**
7 **(CLUBHOUSE/LODGE) LICENSE.**

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

10 9-102.2.

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

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

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

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

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

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

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

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

29 (b) (1) As a condition to holding any license under this section, the
30 Director or Deputy Director of the Montgomery County Parks Department of the
31 Maryland-National Capital Park and Planning Commission or the Executive Director
32 of the Montgomery County Revenue Authority or the Executive Director's designee,

1 respectively, shall designate an individual with respect to each golf course to complete
2 training in an alcohol awareness program approved under § 13–101 of this article.

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

5 (i) Represent the concessionaire; and

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

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