



Montgomery County

Office of Intergovernmental Relations

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HB 242

DATE: February 21, 2022

SPONSOR: Montgomery County Delegation

ASSIGNED TO: Economic Matters

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POSITION: Support

Montgomery County – Alcoholic Beverages – Consumption Only Marketplace Licenses MC 06-22

House Bill 242 Legislation was enacted in 2020 to create a consumption only marketplace license. Under current law, this license can be issued to the developer of a commercial property and allow for the consumption of beer, wine, and liquor in a designated outdoor area located within the commercial shopping center. The commercial shopping center must: (1) encompass an area of at least 10 acres; (2) include at least one Class B, Class BD-BWL, or Class H license; and (3) contain a designated outdoor area for the consumption of alcoholic beverages. The alcoholic beverages must be purchased at an establishment that is: (1) located within the commercial shopping center; (2) has a Class B, Class BD-BWL, or Class H license; and (3) is contiguous to the designated outdoor area. The developer is required to include a description of the outdoor area and a list of the licensed establishments whose alcoholic beverages may be consumed in its application for the license. Under current law, an individual may possess an alcoholic beverage in an open container while in the outside area of a retail establishment or shopping center if authorized by the owner of the establishment.

House Bill 242: (1) authorizes the Board of License Commissioners to issue the marketplace license to management companies; and (2) strikes the language "is contiguous to the designated outdoor area" and replace it with "is within 1000 feet of the designated outdoor area."

These changes should create better alignment between the marketplace license and the streetery model that was widely used while COVID-19 dining restrictions were in place. The streetery model is a dining concept that creates additional restaurant seating outdoors by converting a street into an eatery.

Montgomery County supports House Bill 242 and respectfully requests a favorable Committee report.