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**By: Montgomery County Delegation**

Introduced and read first time: February 1, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages**  
3 **(Pub- and Micro-Brewery Licenses Countywide)**  
4 **MC 625-96**

5 FOR the purpose of extending pub-brewery alcoholic beverages licenses throughout all  
6 of Montgomery County; including Montgomery County among those jurisdictions in  
7 which a micro-brewery license may be issued; and generally relating to alcoholic  
8 beverages in Montgomery County.

9 BY repealing and reenacting, with amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 2-207 and 2-208  
12 Annotated Code of Maryland  
13 (1994 Replacement Volume and 1995 Supplement)

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

16 **Article 2B - Alcoholic Beverages**

17 2-207.

18 (a) A Class 6 pub-brewery license shall be issued:

19 (1) By the State Comptroller;

20 (2) Only to a holder of a Class B beer, wine and liquor (on-sale) license that  
21 is issued for use on the premises of a restaurant located in the jurisdictions listed in  
22 paragraph (3) of this subsection; and

23 (3) Only in the following jurisdictions:

24 (i) Anne Arundel County;

25 (ii) Anne Arundel County - City of Annapolis;

26 (iii) Baltimore City;

27 (iv) Baltimore County;

2

1 (v) The thirteenth election district of Carroll County;

2 (vi) Cecil County;

3 (vii) Charles County;

4 (viii) Frederick County;

5 (ix) Harford County;

6 (x) Montgomery County [- City of Gaithersburg];

7 (xi) Washington County; and

8 (xii) Worcester County.

9 (b) A holder of a Class 6 pub-brewery license:

10 (1) May brew malt beverages at a single location for consumption on the  
11 restaurant premises; and

12 (2) Is limited to the brewing of 2,000 barrels of malt beverage each calendar  
13 year.

14 (c) The pub-brewery premises shall be located immediately adjacent to the  
15 restaurant where the brewed beverage is to be sold to the public.

16 (d) The Class 6 pub-brewery license is void if:

17 (1) The restaurant ceases to be operated as a restaurant; or

18 (2) The holder's Class B beer, wine and liquor (on-sale) license is revoked  
19 or transferred to a different location.

20 (e) If the holder's Class B beer, wine and liquor (on-sale) license is suspended,  
21 the Class 6 pub-brewery license shall be suspended for the same period of time.

22 (f) Except for a license transferred to a new location, a Class 6 pub-brewery  
23 license may be transferred under § 10-503 of this article if an application for transfer is  
24 filed with the local licensing board and simultaneously filed with the Office of the  
25 Comptroller.

26 (g) (1) In the City of Annapolis, Anne Arundel County, Baltimore City,  
27 Baltimore County, and Charles County, the holder of a Class 6 pub-brewery license may  
28 sell malt beverages for off-premises consumption in sealed refillable containers.

29 (2) The containers may be returned and at the time of refill shall be sealed  
30 by the pub-brewery licensee.

31 (3) A holder of a Class 6 pub-brewery license in the City of Annapolis,  
32 Anne Arundel County, Baltimore City, Baltimore County, or Charles County, may not sell  
33 malt beverages to any retail alcoholic beverages licensee in this State for the purpose of  
34 a subsequent sale or distribution of that malt beverage under the retail license.

35 (h) In Montgomery County, within the City of Gaithersburg, a holder of a Class 6  
36 pub-brewery license shall enter into a written agreement with the Department of Liquor

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1 Control for Montgomery County for the sale and resale of all malt beverages brewed  
2 under this license in accordance with this article.

3 2-208.

4 (a) There is a Class 7 micro-brewery (on- and off-sale) license.

5 (b) The license shall be issued:

6 (1) By the State Comptroller;

7 (2) Only in the following jurisdictions:

8 (i) Allegany County;

9 (ii) Baltimore City;

10 (iii) Baltimore County;

11 (iv) The City of Annapolis;

12 (v) Anne Arundel County;

13 (vi) The thirteenth election district of Carroll County;

14 (vii) Charles County;

15 (viii) Dorchester County;

16 (ix) Howard County; [and]

17 (x) MONTGOMERY COUNTY; AND

18 (XI) Prince George's County; and

19 (3) Only to a holder of a Class B beer, wine and liquor (on-sale) license that  
20 is issued for use on the premises of a restaurant located in a jurisdiction listed in  
21 paragraph (2) of this subsection.

22 (c) (1) A holder of a Class 7 micro-brewery license:

23 (i) May brew and bottle malt beverages at a single location; and

24 (ii) May not brew more than 10,000 barrels of malt beverage each  
25 calendar year.

26 (2) In Allegany County only, the holder of a Class 7 license:

27 (i) May brew in one location and may contract for the bottling of the  
28 malt beverage in another location; and

29 (ii) Need not meet the hotel/motel requirements for a Class B beer,  
30 wine and liquor licensee but shall meet the requirements for those Class B restaurants.

31 (d) (1) The on-sale privilege authorizes the holder to sell at retail beer brewed  
32 under this license to customers for consumption on the licensed premises.

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1                   (2) The off-sale privilege authorizes the holder to sell and deliver beer  
2 brewed under this license to:

3                   (i) Any wholesaler licensed under this article to sell beer in this State;  
4 or

5                   (ii) Any person who is located in a state other than Maryland who is  
6 authorized under the laws of that state to receive brewed beverages.

7                   (3) In the City of Annapolis, Anne Arundel County, Baltimore City,  
8 Baltimore County, Charles County, Howard County, and Prince George's County only,  
9 the holder may sell at retail beer brewed under this license to customers for consumption  
10 off the licensed premises in refillable containers that are sealed by the micro-brewery  
11 licensee at the time of each refill.

12                  (e) A holder of a Class 7 micro-brewery license:

13                   (1) May not own, operate or be affiliated with any other manufacturer of  
14 beer; and

15                   (2) Notwithstanding § 2-201(b) of this article, may not be granted a  
16 wholesale alcoholic beverages license.

17                   (f) The hours and days for consumer sales under this license are as established  
18 for a Class B license in the respective jurisdictions listed in subsection (b)(2) of this  
19 section.

20                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1996.