
By: Montgomery County Delegation

Introduced and read first time: February 1, 1996

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 1996

CHAPTER ____

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 to all of Montgomery County the authority to issue
6 pub-brewery alcoholic beverages licenses throughout all of Montgomery County
7 and the requirement that a holder of a pub-brewery license enter into a certain
8 agreement with the Department of Liquor Control; including Montgomery County
9 among those jurisdictions in which a micro-brewery license may be issued;
10 requiring, in Montgomery County, a holder of a micro-brewery licenseto enter into
11 a certain agreement with the Department of Liquor Control; and generally relating
12 to alcoholic beverages in Montgomery County.

13 BY repealing and reenacting, with amendments,
14 Article 2B - Alcoholic Beverages
15 Section 2-207 and 2-208
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1995 Supplement)

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

20 **Article 2B - Alcoholic Beverages**

21 2-207.

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

23 (1) By the State Comptroller;

2

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

4 (3) Only in the following jurisdictions:

- 5 (i) Anne Arundel County;
- 6 (ii) Anne Arundel County - City of Annapolis;
- 7 (iii) Baltimore City;
- 8 (iv) Baltimore County;
- 9 (v) The thirteenth election district of Carroll County;
- 10 (vi) Cecil County;
- 11 (vii) Charles County;
- 12 (viii) Frederick County;
- 13 (ix) Harford County;
- 14 (x) Montgomery County [- City of Gaithersburg];
- 15 (xi) Washington County; and
- 16 (xii) Worcester County.

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

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

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

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

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

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

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

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

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

3

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

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

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

10 (h) In Montgomery County, ~~within the City of Gaithersburg,~~ a holder of a Class 6
11 pub-brewery license shall enter into a written agreement with the Department of Liquor
12 Control for Montgomery County for the sale and resale of all malt beverages brewed
13 under this license in accordance with this article.

14 2-208.

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

16 (b) The license shall be issued:

17 (1) By the State Comptroller;

18 (2) Only in the following jurisdictions:

19 (i) Allegany County;

20 (ii) Baltimore City;

21 (iii) Baltimore County;

22 (iv) The City of Annapolis;

23 (v) Anne Arundel County;

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

25 (vii) Charles County;

26 (viii) Dorchester County;

27 (ix) Howard County; [and]

28 (x) MONTGOMERY COUNTY; AND

29 (XI) Prince George's County; and

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

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

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

4

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (G) IN MONTGOMERY COUNTY, A HOLDER OF A CLASS 7 MICRO-BREWERY
30 LICENSE SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE DEPARTMENT OF
31 LIQUOR CONTROL FOR MONTGOMERY COUNTY FOR THE SALE AND RESALE OF
32 MALT BEVERAGES BREWED UNDER THIS LICENSE IN ACCORDANCE WITH THIS
33 ARTICLE.

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

