

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 933

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Class A Beer, Wine and Liquor Licenses” and substitute “Dispensaries and Retail Outlets”; strike beginning with “establishing” in line 4 down through “license” in line 18 and substitute “prohibiting the Director of the Montgomery County Department of Liquor Control from contracting with persons to operate certain retail liquor stores, except for certain stores operating as of a certain date, and subject to certain limitations; prohibiting the County Department of Liquor Control from selling alcoholic beverages to different licensees or classes at different prices; allowing certain products and prohibiting certain other products to be sold in certain retail liquor stores; authorizing disciplinary actions, including the issuance of certain citations, to certain persons for certain violations; and generally relating to liquor sales”; after line 18, insert:

“BY repealing and reenacting, without amendments,

Article 2B - Alcoholic Beverages

Section 15-203(a)

Annotated Code of Maryland

(1996 Replacement Volume)”;

strike line 21 in its entirety and substitute “Section 15-203(d)”; and in line 26, strike “10-506(e)” and substitute “2-301(g)”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“2-301.

(G) (1) THIS SUBSECTION APPLIES IN MONTGOMERY COUNTY.

(Over)

(2) THE DEPARTMENT OF LIQUOR CONTROL MAY SELL ITS INVENTORY THROUGH COUNTY LIQUOR DISPENSARIES AT WHOLESALE AND RETAIL AND THROUGH RETAIL OUTLETS OPERATED BY INDIVIDUALS WITH WHOM THE DEPARTMENT CONTRACTS UNDER § 15-203(D) OF THIS ARTICLE.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS ARTICLE MAY NOT BE INTERPRETED TO PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES IN WHOLE CASES OR IN INDIVIDUAL BOTTLES BY THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL, THROUGH COUNTY LIQUOR DISPENSARIES SELLING AT WHOLESALE OR RETAIL, TO A LICENSEE IN MONTGOMERY COUNTY.

(4) THE DEPARTMENT OF LIQUOR CONTROL MAY NOT SELL ALCOHOLIC BEVERAGES AT DIFFERENT PRICES TO DIFFERENT LICENSEES OR CLASSES OF LICENSEES.”.

On pages 2 through 8, strike in their entirety the lines beginning with line 2 on page 2 through line 39 on page 8, inclusive.

AMENDMENT NO. 3

On page 8, after line 39, insert:

“15-203.

(a) (1) The liquor control boards may establish and maintain stores to be known as “county liquor dispensaries”, for the sale of any sparkling or fortified wine and any other alcoholic beverages containing more than 14 percent of alcohol by volume, in sealed packages or containers. These packages or containers may not be opened nor their contents consumed upon the premises where sold.

(2) In Montgomery County they may sell any alcoholic beverages.

(3) In the following counties they may sell any alcoholic beverages except beer:

(i) Somerset; and

(ii) Worcester.

(d) (1) THIS SUBSECTION APPLIES IN MONTGOMERY COUNTY.

(2) [In Montgomery County the] THE County liquor dispensaries may be established at one or more locations determined by the Director of the Department of Liquor Control with the approval of the County Executive.

(3) THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL MAY NOT ENTER INTO A CONTRACT WITH AN INDIVIDUAL TO OPERATE A RETAIL OUTLET FOR THE SALE OF BEER, WINE AND LIQUOR UNLESS:

(I) THE BOARD OF LICENSE COMMISSIONERS DETERMINES THAT THE INDIVIDUAL IS FIT TO OPERATE THE RETAIL OUTLET; AND

(II) THE DIRECTOR HAD A CONTRACT WITH AN INDIVIDUAL TO OPERATE THE RETAIL OUTLET ON JANUARY 1, 1997.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL MAY NOT CONTRACT WITH A PERSON TO OPERATE A COUNTY LIQUOR DISPENSARY OR A RETAIL OUTLET FOR THE SALE OF BEER, WINE, AND LIQUOR.

(5) IN COUNTY RETAIL DISPENSARY STORES AND IN RETAIL OUTLETS OPERATED UNDER CONTRACT WITH THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL ONLY THE FOLLOWING ITEMS MAY BE SOLD:

(I) NONCHILLED BEER;

(II) WINE;

(III) LIQUOR;

(Over)

(IV) ICE; AND

(V) BOTTLED WATER.

(6) FOR PURPOSES OF ENFORCING THE PROVISIONS OF THIS ARTICLE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES TO MINORS AND ARTICLE 27, §§ 400 THROUGH 403A OF THE CODE:

(I) A MANAGER OF A COUNTY LIQUOR DISPENSARY, AND AN INDIVIDUAL WITH WHOM THE DIRECTOR OF THE DEPARTMENT OF LIQUOR CONTROL CONTRACTS TO OPERATE A RETAIL OUTLET UNDER PARAGRAPH (3) OF THIS SUBSECTION, SHALL BE DEEMED LICENSEES;

(II) AN EMPLOYEE OF A COUNTY LIQUOR DISPENSARY, AND AN EMPLOYEE OF THE RETAIL OUTLET UNDER PARAGRAPH (3) OF THIS SUBSECTION, SHALL BE DEEMED EMPLOYEES OF A LICENSEE; AND

(III) AN INDIVIDUAL LISTED IN ITEM (I) OR (II) OF THIS PARAGRAPH WHO VIOLATES ANY PROVISION OF THIS ARTICLE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES TO MINORS, OR ARTICLE 27, §§ 400 THROUGH 403A OF THE CODE:

1. IS SUBJECT TO THE PENALTIES AUTHORIZED BY LAW, INCLUDING A CIVIL CITATION ISSUED UNDER § 16-408 OF THIS ARTICLE AND ARTICLE 27, § 402 OF THE CODE; AND

2. IS SUBJECT TO FINE AND SUSPENSION OR REVOCATION OF EMPLOYMENT BY THE BOARD OF LICENSE COMMISSIONERS IN THE SAME MANNER AS A LICENSEE OR EMPLOYEE OF A LICENSEE IS SUBJECT TO FINE AND SUSPENSION OR REVOCATION FOR A VIOLATION.”.