

(PRE-FILED)

By: Calvert County Delegation

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 1997

CHAPTER ____

1 AN ACT concerning

2 **Calvert County - Alcoholic Beverages**
3 **(Pub- and Micro-Breweries)**

4 FOR the purpose of including Calvert County among those jurisdictions in which
5 pub-brewery and micro-brewery beer licenses may be issued by the Office of the
6 Comptroller; and generally relating to alcoholic beverages in Calvert County.

7 BY repealing and reenacting, with amendments,
8 Article 2B - Alcoholic Beverages
9 Section 2-207 and 2-208
10 Annotated Code of Maryland
11 (1996 Replacement Volume)

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

14 **Article 2B - Alcoholic Beverages**

15 2-207.

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

17 (1) By the State Comptroller;

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

21 (3) Only in the following jurisdictions:

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- 1 (i) Anne Arundel County;
- 2 (ii) Anne Arundel County - City of Annapolis;
- 3 (iii) Baltimore City;
- 4 (iv) Baltimore County;
- 5 (v) CALVERT COUNTY;
- 6 (VI) The thirteenth election district of Carroll County;
- 7 [(vi)] (VII) Cecil County;
- 8 [(vii)] (VIII) Charles County;
- 9 [(viii)] (IX) Dorchester County;
- 10 [(ix)] (X) Frederick County;
- 11 [(x)] (XI) Garrett County;
- 12 [(xi)] (XII) Harford County;
- 13 [(xii)] (XIII) Kent County;
- 14 [(xiii)] (XIV) Montgomery County;
- 15 [(xiv)] (XV) Queen Anne's County;
- 16 [(xv)] (XVI) Washington County;
- 17 [(xvi)] (XVII) Wicomico County; and
- 18 [(xvii)] (XVIII) Worcester County.

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

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

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

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

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

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

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

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

3

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

5 (g) (1) This subsection applies only in the following jurisdictions:

6 (i) City of Annapolis;

7 (ii) Anne Arundel County;

8 (iii) Baltimore City;

9 (iv) Baltimore County;

10 (v) CALVERT COUNTY;

11 (VI) Charles County; and

12 [(vi)] (VII) Harford County.

13 (2) The holder of a Class 6 pub-brewery license may sell malt beverages for
14 off-premises consumption in sealed refillable containers.

15 (3) The containers may be returned and at the time of refill shall be sealed
16 by the pub-brewery licensee.

17 (4) A holder of a Class 6 pub-brewery license may not sell malt beverages to
18 any retail alcoholic beverages licensee in this State for the purpose of a subsequent sale or
19 distribution of that malt beverage under the retail license.

20 (h) In Montgomery County, a holder of a Class 6 pub-brewery license shall enter
21 into a written agreement with the Department of Liquor Control for Montgomery County
22 for the sale and resale of all malt beverages brewed under this license in accordance with
23 this article.

24 (i) (1) This subsection applies only in Wicomico County.

25 (2) Before the Office of the Comptroller of this State may issue a
26 pub-brewery license, it shall forward a copy of the application to the Board of License
27 Commissioners. The Board shall review the application, hold a public hearing on the
28 application, and recommend to the Office whether or not to grant the license.

29 2-208.

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

31 (b) The license shall be issued:

32 (1) By the State Comptroller;

33 (2) Only in the following jurisdictions:

34 (i) Allegany County;

35 (ii) Baltimore City;

4

- 1 (iii) Baltimore County;
- 2 (iv) The City of Annapolis;
- 3 (v) Anne Arundel County;
- 4 (vi) CALVERT COUNTY;
- 5 (VII) The thirteenth election district of Carroll County;
- 6 [(vii)] (VIII) Charles County;
- 7 [(viii)] (IX) Dorchester County;
- 8 [(ix)] (X) Frederick County;
- 9 [(x)] (XI) Garrett County;
- 10 [(xi)] (XII) Howard County;
- 11 [(xii)] (XIII) Montgomery County; and
- 12 [(xiii)] (XIV) Prince George's County; and

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

16 (ii) To a holder of a Class D alcoholic beverages license that is issued
17 for use on the premises of the existing Class D license if the premises are located in the
18 22nd Alcoholic Beverages District of Prince George's County.

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

- 20 (i) May brew and bottle malt beverages at a single location; and
- 21 (ii) May not brew more than 10,000 barrels of malt beverage each
22 calendar year.

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

- 24 (i) May brew in one location and may contract for the bottling of the
25 malt beverage in another location; and
- 26 (ii) Need not meet the hotel/motel requirements for a Class B beer,
27 wine and liquor licensee but shall meet the requirements for those Class B restaurants.

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

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

- 32 (i) Any wholesaler licensed under this article to sell beer in this State;
- 33 or

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

3 (3) (i) This paragraph applies only in the City of Annapolis, Anne
4 Arundel County, Baltimore City, Baltimore County, CALVERT COUNTY, Charles County,
5 Dorchester County, Frederick County, Howard County, and Prince George's County.

6 (ii) The holder may sell at retail beer brewed under this license to
7 customers for consumption off the licensed premises in refillable containers that are
8 sealed by the micro-brewery licensee at the time of each refill.

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

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

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

14 (f) (1) The hours and days for consumer sales under this license are as
15 established for a Class B license in the respective jurisdictions listed in subsection (b)(2)
16 of this section.

17 (2) For Class D licensees in the 22nd Alcoholic Beverages District in Prince
18 George's County only, the hours and days for consumer sales under this license are as
19 established for a Class D license in Prince George's County.

20 (g) In Montgomery County, a holder of a Class 7 micro-brewery license shall
21 enter into a written agreement with the Department of Liquor Control for Montgomery
22 County for the sale and resale of malt beverages brewed under this license in accordance
23 with this article.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1997.