
By: Montgomery County Delegation

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages**
3 **(Micro-Brewery in Gaithersburg)**
4 **MC 728-97**

5 FOR the purpose of authorizing in Montgomery County the holder of a micro-brewery
6 license to brew in more than one location under certain circumstances; requiring a
7 written agreement for the sale and resale of all malt beverages brewed in the
8 County under the micro-brewery license; and generally relating to alcoholic
9 beverages in Montgomery County.

10 BY repealing and reenacting, with amendments,
11 Article 2B - Alcoholic Beverages
12 Section 2-208
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

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

17 **Article 2B - Alcoholic Beverages**

18 2-208.

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

20 (b) The license shall be issued:

21 (1) By the State Comptroller;

22 (2) Only in the following jurisdictions:

23 (i) Allegany County;

24 (ii) Baltimore City;

25 (iii) Baltimore County;

26 (iv) The City of Annapolis;

27 (v) Anne Arundel County;

2

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

2 (vii) Charles County;

3 (viii) Dorchester County;

4 (ix) Frederick County;

5 (x) Garrett County;

6 (xi) Howard County;

7 (xii) Montgomery County; and

8 (xiii) Prince George's County; and

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

12 (ii) To a holder of a Class D alcoholic beverages license that is issued
13 for use on the premises of the existing Class D license if the premises are located in the
14 22nd Alcoholic Beverages District of Prince George's County.

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

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

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

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

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

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

24 (3) IN MONTGOMERY COUNTY, THE HOLDER OF A CLASS 7 LICENSE
25 MAY BREW IN MORE THAN ONE LOCATION IF THE HOLDER HAD A CLASS 6 LICENSE
26 IN GAITHERSBURG PRIOR TO JANUARY 1, 1996, AND SUBSEQUENTLY OBTAINED A
27 CLASS 7 LICENSE.

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

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

3

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

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

7 (4) IN MONTGOMERY COUNTY, A HOLDER OF A CLASS 7 LICENSE SHALL
8 ENTER INTO A WRITTEN AGREEMENT WITH THE DEPARTMENT OF LIQUOR
9 CONTROL FOR THE SALE AND RESALE OF ALL MALT BEVERAGES BREWED UNDER
10 THIS LICENSE IN ACCORDANCE WITH THIS ARTICLE.

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

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

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

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

19 (2) For Class D licensees in the 22nd alcoholic beverages district in Prince
20 George's County only, the hours and days for consumer sales under this license are as
21 established for a Class D license in Prince George's County.

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

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