

By: Delegate Schisler

Introduced and read first time: February 13, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Talbot County - Alcoholic Beverages**
3 **(Pub- and Micro-Brewery Licenses)**4 FOR the purpose of including Talbot County among those jurisdictions in which both
5 pub-brewery and micro-brewery licenses may be obtained from the Office of the
6 Comptroller; clarifying language; and generally relating to alcoholic beverages in
7 Talbot County.8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 2-207 and 2-208
11 Annotated Code of Maryland
12 (1996 Replacement Volume)13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:15 **Article 2B - Alcoholic Beverages**

16 2-207.

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

18 (1) By the State Comptroller;

19 (2) 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 the jurisdictions listed in
21 paragraph (3) of this subsection; and

22 (3) Only in the following jurisdictions:

23 (i) Anne Arundel County;

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

25 (iii) Baltimore City;

26 (iv) Baltimore County;

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

- (vi) Cecil County;
- (vii) Charles County;
- (viii) Dorchester County;
- (ix) Frederick County;
- (x) Garrett County;
- (xi) Harford County;
- (xii) Kent County;
- (xiii) Montgomery County;
- (xiv) Queen Anne's County;
- (xv) TALBOT COUNTY;
- (XVI) Washington County;
- [(xvi)] (XVII) Wicomico County; and
- [(xvii)] (XVIII) Worcester County.

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

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

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

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

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

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

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

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

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

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

32 (i) City of Annapolis;

33 (ii) Anne Arundel County;

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- 1 (iii) Baltimore City;
- 2 (iv) Baltimore County;
- 3 (v) Charles County; [and]
- 4 (vi) Harford County; AND
- 5 (VII) TALBOT COUNTY.

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

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

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

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

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

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

22 (J) FOR TALBOT COUNTY, THE OFFICE OF THE COMPTROLLER OF
23 MARYLAND SHALL SPECIFY WHICH LOCAL LICENSE IS THE EQUIVALENT OF THE
24 CLASS B BEER, WINE AND LIQUOR LICENSE SPECIFIED IN SUBSECTION (A)(2) OF THIS
25 SECTION.

26 2-208.

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

28 (b) The license shall be issued:

29 (1) By the State Comptroller;

30 (2) Only in the following jurisdictions:

31 (i) Allegany County;

32 (ii) Baltimore City;

33 (iii) Baltimore County;

34 (iv) The City of Annapolis;

35 (v) Anne Arundel County;

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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 (XIV) TALBOT COUNTY; AND

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

13 (ii) To a holder of a Class D alcoholic beverages license that is issued
14 for use on the premises of the existing Class D license if the premises are located in the
15 22nd Alcoholic Beverages District of Prince George's County.

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

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

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

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

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

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

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

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

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

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

33 (3) (i) This paragraph applies only in [the]:

34 1. THE City of Annapolis[,];

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- 1 2. Anne Arundel County[,];
- 2 3. Baltimore City[,];
- 3 4. Baltimore County[,];
- 4 5. Charles County[,];
- 5 6. Dorchester County[,];
- 6 7. Frederick County[,];
- 7 8. Howard County[, and];
- 8 9. Prince George's County; AND
- 9 10. TALBOT COUNTY.

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

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

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

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

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

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

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

28 (H) FOR TALBOT COUNTY, THE OFFICE OF THE COMPTROLLER OF
29 MARYLAND SHALL SPECIFY WHICH LOCAL LICENSE IS THE EQUIVALENT OF THE
30 CLASS B BEER, WINE AND LIQUOR LICENSE SPECIFIED IN SUBSECTION (A)(3) OF THIS
31 SECTION.

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