

CF 7r2781

By: Senator Haines (Carroll County Senate Delegation)

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 7, 1997

CHAPTER ____

1 AN ACT concerning

2 **Carroll County - Alcoholic Beverages**
3 **(Micro-Brewery Licenses)**

4 FOR the purpose of permitting micro-breweries to be located throughout all of Carroll
5 County and not just in the thirteenth election district; placing distance requirements
6 between the micro-brewery and certain protected buildings; excluding current
7 licensees; and generally relating to alcoholic beverages in Carroll County.

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

13 BY adding to
14 Article 2B - Alcoholic Beverages
15 Section 9-207
16 Annotated Code of Maryland
17 (1996 Replacement Volume)

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 2-208.

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

2

1 (b) The license shall be issued:

2 (1) By the State Comptroller;

3 (2) Only in the following jurisdictions:

4 (i) Allegany County;

5 (ii) Baltimore City;

6 (iii) Baltimore County;

7 (iv) The City of Annapolis;

8 (v) Anne Arundel County;

9 (vi) [The thirteenth election district of] Carroll County;

10 (vii) Charles County;

11 (viii) Dorchester County;

12 (ix) Frederick County;

13 (x) Garrett County;

14 (xi) Howard County;

15 (xii) Montgomery County; and

16 (xiii) Prince George's County; and

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) (i) This paragraph applies only in the City of Annapolis, Anne
8 Arundel County, Baltimore City, Baltimore County, Charles County, Dorchester County,
9 Frederick County, Howard County, and Prince George's 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) IN CARROLL COUNTY, THE DISTANCE RESTRICTION REQUIREMENT FOR
29 MICRO-BREWERY IS FOUND IN § 9-207 OF THIS ARTICLE.

30 9-207.

31 (A) THIS SECTION APPLIES ONLY IN CARROLL COUNTY.

32 (B) THE RESTRICTIONS IMPOSED BY THIS SECTION APPLY ONLY TO
33 MICRO-BREWERY LICENSES, AS SET FORTH IN § 2-208 OF THIS ARTICLE.

34 (C) IN THIS SECTION, "PROTECTED BUILDING" MEANS ANY ELEMENTARY OR
35 SECONDARY SCHOOL AND CHURCH OR OTHER PLACE OF WORSHIP.

36 (D) THE DISTANCE RESTRICTION REQUIREMENT BETWEEN A LICENSED
37 PREMISES AND A PROTECTED BUILDING IS 300 FEET.

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1 (E) THIS DISTANCE SHALL BE MEASURED FROM THE NEAREST POINT OF THE
2 BUILDING IN WHICH THE LICENSED PREMISES IS LOCATED TO THE NEAREST POINT
3 OF THE PROPERTY LINE ON WHICH THE PROTECTED BUILDING IS LOCATED.

4 (F) IF A LICENSED PREMISES PRECEDED THE LOCATION OF THE PROTECTED
5 BUILDING BUT THE PROTECTED BUILDING IS LOCATED WITHIN 300 FEET OF A
6 LICENSED PREMISES, THE OFFICE OF THE COMPTROLLER MAY RENEW THE LICENSE.

7 (G) DISTANCE RESTRICTION REQUIREMENTS DO NOT APPLY TO ANY
8 LICENSED PREMISES IN EXISTENCE ON JULY 1, 1997.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 1997.