
By: Senator Derr

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Alcoholic Beverages**
3 **(Simultaneous Holding of Permits and Licenses)**

4 FOR the purpose of permitting in Frederick County the simultaneous holding of certain
5 permits and alcoholic beverages licenses; and generally relating to alcoholic
6 beverages in Frederick County.

7 BY repealing and reenacting, with amendments,
8 Article 2B - Alcoholic Beverages
9 Section 2-101(s), 2-205(b), 2-208, and 9-102(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume)

12 BY adding to
13 Article 2B - Alcoholic Beverages
14 Section 9-102(q)
15 Annotated Code of Maryland
16 (1996 Replacement Volume)

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

19 **Article 2B - Alcoholic Beverages**

20 2-101.

21 (s) (1) In this subsection, "permit" means a family beer and wine facility permit.

22 (2) A permit authorizes the holder to establish a facility for the production
23 of family beer or wine by nonlicensed State consumers who are of legal drinking age.

24 (3) The permit holder may provide equipment, raw materials, and
25 instructions to the consumer. Except for beer or wine produced for testing equipment or
26 recipes, the permit holder may not engage in the actual production or manufacture of
27 beer or wine.

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1 (4) All family beer and wine produced at a family beer and wine facility shall
2 be removed from the premises by the consumer. It may only be used for home
3 consumption and the personal use of the consumer.

4 (5) The Office of the Comptroller may restrict a family beer and wine
5 facility permit to the production of either family produced beer or family produced wine.

6 (6) (I) The holder of a permit may not simultaneously hold any other
7 license issued pursuant to this article.

8 (II) THIS PARAGRAPH DOES NOT APPLY IN FREDERICK COUNTY.

9 (7) The Office of the Comptroller may promulgate regulations regarding
10 limits on the quantities produced, requirements for record keeping, and any other
11 activities that relate to the operation of a family beer and wine facility.

12 2-205.

13 (b) (1) [In] THIS SUBSECTION APPLIES ONLY IN Frederick County [the].

14 (2) THE provisions regarding sales on Sundays of this section are governed
15 by § 11-511 of this article.

16 (3) THE HOLDER OF A CLASS 4 LIMITED WINERY LICENSE MAY
17 SIMULTANEOUSLY HOLD OTHER LICENSES AUTHORIZED BY THIS ARTICLE.

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;

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

29 (vii) Charles County;

30 (viii) Dorchester County;

31 (ix) Frederick County;

32 (x) Garrett County;

33 (xi) Howard County;

3

1 (xii) Montgomery County; and

2 (xiii) Prince George's County; and

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

6 (ii) To a holder of a Class D alcoholic beverages license that is issued
7 for use on the premises of the existing Class D license if the premises are located in the
8 22nd Alcoholic Beverages District of Prince George's County; OR

9 (III) IN FREDERICK COUNTY ONLY, ALSO TO A HOLDER OF A
10 FAMILY BEER AND WINE FACILITY PERMIT (§ 2-101(S)) OR A CLASS 4 LIMITED
11 WINERY LICENSE (§ 2-205).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 (2) (I) Notwithstanding § 2-201(b) of this article, may not be granted a
2 wholesale alcoholic beverages license;

3 (II) IN FREDERICK COUNTY ONLY, MAY ALSO BE ISSUED A CLASS 4
4 LIMITED WINERY LICENSE PURSUANT TO § 2-205 OF THIS ARTICLE.

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

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

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

15 9-102.

16 (a) (1) No more than one license provided by this article, except by way of
17 renewal or as otherwise provided in this section, shall be issued in any county or
18 Baltimore City, to any person, or for the use of any partnership, corporation,
19 unincorporated association, or limited liability company, in Baltimore City or any county
20 of the State[, and no more].

21 (2) MORE than one license [shall] MAY NOT be issued for the same
22 premises [except as provided in], WITH THE FOLLOWING EXCEPTIONS:

23 (I) §§ 2-201 through 2-208 [and];

24 (II) § 2-301 [and nothing herein shall be construed to apply to
25 subsections (b) and (c) of];

26 (III) § 7-101(B) AND (C); [or to]

27 (IV) § 12-202 (pertaining to special music or dancing licenses for Anne
28 Arundel County) [of this article]; OR

29 (V) FOR FREDERICK COUNTY ONLY:

30 1. § 2-101(S);

31 2. § 2-205(B); AND

32 3. § 2-208.

33 (Q) IN FREDERICK COUNTY ONLY, ONE PERSON MAY SIMULTANEOUSLY
34 HOLD A FAMILY BEER AND WINE FACILITY PERMIT (§ 2-101(S)), A CLASS 4
35 MANUFACTURER'S LIMITED WINERY LICENSE (§ 2-205), AND A MICRO-BREWERY
36 LICENSE (§ 2-208).

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

