

HOUSE BILL 614

A2

EMERGENCY BILL

71r0468

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2007

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 7, 2007

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Direct Sales by Holders of Class**
3 **6 Limited Wine Wholesaler’s Licenses or Nonresident Winery Permits**

4 **MC 703–07**

5 FOR the purpose of authorizing in Montgomery County a holder of a Class 6 limited
6 wine wholesaler’s license or a nonresident winery permit to sell or deliver wine
7 directly to a restaurant, county dispensary, or other retail dealer; authorizing a
8 restaurant, county dispensary, or other retail dealer to purchase wine directly
9 from a holder of a Class 6 limited wine wholesaler’s license or a nonresident
10 winery permit; making certain technical and stylistic changes; making this Act
11 an emergency measure; and generally relating to alcoholic beverages in
12 Montgomery County.

13 BY repealing and reenacting, with amendments,
14 Article 2B – Alcoholic Beverages
15 Section 2–101(i)(6) and 15–204
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article 2B – Alcoholic Beverages**

4 2-101.

5 (i) (6) Notwithstanding any other provision of this section, in
6 Montgomery County the alcohol beverage purchasing power shall be as described in [§
7 15-205(k)] §§ 15-204(B) AND 15-205(K) of this article.

8 15-204.

9 (a) Except as otherwise provided in this section, the liquor control board in
10 each county shall have an absolute monopoly of the sale and distribution of the
11 particular alcoholic beverages which elsewhere in this subtitle it is empowered to sell.

12 (b) (1) Provided, that in Montgomery County no person, firm, or
13 corporation shall keep for sale any alcoholic beverage not purchased from the
14 Department of Liquor Control for Montgomery County, provided, however, that
15 nothing in this subsection shall apply to [holders of Class F licenses, to the holder of a
16 wholesaler's license or a beer wholesaler's license] **A HOLDER OF A CLASS F**
17 **LICENSE OR A HOLDER OF A CLASS 1 BEER, WINE AND LIQUOR, CLASS 2 WINE**
18 **AND LIQUOR, CLASS 3 BEER AND WINE, CLASS 4 BEER, OR CLASS 5 WINE**
19 **WHOLESALER'S LICENSE**, who [shall] MAY not sell or deliver any alcoholic beverage
20 in Montgomery County for resale except to a county liquor dispensary.

21 (2) **NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION:**

22 (I) **A HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER'S**
23 **LICENSE OR OF A NONRESIDENT WINERY PERMIT MAY SELL OR DELIVER WINE**
24 **DIRECTLY TO A COUNTY LIQUOR DISPENSARY, RESTAURANT, OR OTHER RETAIL**
25 **DEALER IN MONTGOMERY COUNTY; AND**

26 (II) **A COUNTY LIQUOR DISPENSARY, RESTAURANT, OR**
27 **OTHER RETAIL DEALER IN MONTGOMERY COUNTY MAY PURCHASE WINE**
28 **DIRECTLY FROM A HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER'S**
29 **LICENSE OR OF A NONRESIDENT WINERY PERMIT.**

30 (c) This section does not apply to the sale and distribution of light wine in
31 Somerset County.

1 (d) In Wicomico County, the county dispensaries shall make wholesale sales
2 of all liquors at a markup of not more than 15 percent above the operating cost to the
3 dispensary to any licensee of a Class A, B, or C beer, wine and liquor license.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
5 measure, is necessary for the immediate preservation of the public health or safety,
6 has been passed by a ye and nay vote supported by three-fifths of all the members
7 elected to each of the two Houses of the General Assembly, and shall take effect from
8 the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.