

CHAPTER 80

(House Bill 614)

AN ACT concerning

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

MC 703-07

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

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

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

Article 2B – Alcoholic Beverages

2-101.

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

15-204.

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

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

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

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

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

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

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

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

Approved by the Governor, April 10, 2007.