

SENATE BILL 305

A2

4r1759
CF HB 132

By: **Montgomery County Senators**

Introduced and read first time: January 17, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Beer Sales and Delivery to**
3 **Retail Dealers**

4 FOR the purpose of authorizing a holder of a Class 7 limited beer wholesaler’s license
5 or a nonresident brewery permit to sell or deliver its own beer to a county liquor
6 dispensary, a restaurant, or any other retail dealer in Montgomery County;
7 authorizing a county liquor dispensary, a restaurant, or any other retail dealer
8 in Montgomery County to purchase beer directly from a holder of a Class 7
9 limited beer wholesaler’s license or a nonresident brewery permit; and generally
10 relating to beer sales to retail dealers in Montgomery County.

11 BY repealing and reenacting, with amendments,
12 Article 2B – Alcoholic Beverages
13 Section 15–204
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2013 Supplement)

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

18 **Article 2B – Alcoholic Beverages**

19 15–204.

20 (a) Subject to § 16–407.1 of this article and except as otherwise provided in
21 this section, the liquor control board in each county shall have an absolute monopoly of
22 the sale and distribution of the particular alcoholic beverages which elsewhere in this
23 subtitle it is empowered to sell.

24 (b) (1) Provided, that in Montgomery County no person, firm, or
25 corporation shall keep for sale any alcoholic beverage not purchased from the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Department of Liquor Control for Montgomery County, provided, however, that
2 nothing in this subsection shall apply to a holder of a Class F license or a holder of a
3 Class 1 beer, wine and liquor, Class 2 wine and liquor, Class 3 beer and wine, Class 4
4 beer, or Class 5 wine wholesaler's license, who may not sell or deliver any alcoholic
5 beverage in Montgomery County for resale except to a county liquor dispensary.

6 (2) Notwithstanding paragraph (1) of this subsection:

7 (i) 1. A holder of a Class 6 limited wine wholesaler's license
8 or of a nonresident winery permit may sell or deliver wine directly to a county liquor
9 dispensary, restaurant, or other retail dealer in Montgomery County; and

10 2. A county liquor dispensary, restaurant, or other retail
11 dealer in Montgomery County may purchase wine directly from a holder of a Class 6
12 limited wine wholesaler's license or of a nonresident winery permit; [and]

13 **(II) 1. A HOLDER OF A CLASS 7 LIMITED BEER**
14 **WHOLESALE'S LICENSE OR OF A NONRESIDENT BREWERY PERMIT MAY SELL**
15 **OR DELIVER ITS OWN BEER TO A COUNTY LIQUOR DISPENSARY, A RESTAURANT,**
16 **OR ANY OTHER RETAIL DEALER IN MONTGOMERY COUNTY; AND**

17 **2. A COUNTY LIQUOR DISPENSARY, A RESTAURANT,**
18 **OR ANY OTHER RETAIL DEALER IN MONTGOMERY COUNTY MAY PURCHASE**
19 **BEER DIRECTLY FROM A HOLDER OF A CLASS 7 LIMITED BEER WHOLESALE'S**
20 **LICENSE OR A NONRESIDENT BREWERY PERMIT; AND**

21 **[(ii)] (III)** A holder of a direct wine shipper's permit may ship
22 wine directly to a consumer in Montgomery County.

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

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

28 (e) (1) In this subsection, "Department" means the Worcester County
29 Department of Liquor Control.

30 (2) This subsection applies only in Worcester County.

31 (3) (i) Beginning on July 1, 2014, a licensee in the county may elect
32 to purchase wine or liquor from a licensed wholesaler by providing written notice of
33 the licensee's intent to the Department at least 60 days before the date the purchasing
34 activity is to start.

1 (ii) The notice shall contain:

2 1. The name of the licensee;

3 2. The name and address of the licensed premises; and

4 3. The date that the notice was sent to the Department.

5 (4) A licensee that meets the requirements of this subsection may
6 purchase wine or liquor from a licensed wholesaler in addition to or instead of the
7 Department.

8 (5) (i) The Department shall issue a letter of confirmation to a
9 licensee that meets the requirements of this subsection.

10 (ii) The licensee shall display the letter conspicuously on the
11 licensed premises.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2014.