

HB0315/523590/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 315
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike beginning with “Class” in line 2 down through “Licenses” in line 3 and substitute “Contracts to Sell Liquor for Off-Premises Consumption”; strike beginning with “authorizing” in line 5 down through “fee;” in line 21 and substitute “authorizing the Montgomery County Department of Liquor Control to contract with certain retail outlets to sell liquor for off-premises consumption under certain circumstances; requiring the Department to adopt regulations to establish criteria for contracting with retail outlets; repealing certain provisions relating to the sale of certain items by a retail outlet;”; and strike in their entirety lines 23 through 28, inclusive.

On page 2, strike in their entirety lines 6 through 10, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Alcoholic Beverages

Section 25-310

Annotated Code of Maryland

(2016 Volume and 2016 Supplement)”;

and strike beginning with “That” in line 12 down through “ENACTED,” in line 14.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 19 on page 2 through line 30 on page 3, inclusive, and substitute:

“25–310.

(Over)

HB0315/523590/1 Economic Matters Committee
Amendments to HB 315
Page 2 of 4

(a) With the approval of the County Executive, the Director may establish a dispensary at one or more locations that the Director determines.

(b) (1) The Department may sell its inventory through:

(i) dispensaries selling at wholesale and retail; and

(ii) subject to subsection (c) of this section, retail outlets operated by individuals with whom the Department contracts.

(2) Notwithstanding any other law, the Director may sell at wholesale or retail alcoholic beverages in whole cases or in individual bottles through dispensaries to a license holder in the county.

(3) The Department may not sell alcoholic beverages at different prices to different license holders or classes of license holders.

(c) (1) The Director may not contract with a person to operate:

(i) a dispensary; or

(ii) except as provided in paragraph (2) of this subsection, a retail outlet for the sale of beer, wine, and liquor.

(2) The Director may enter into a contract with a person to operate a retail outlet for the sale of [beer, wine, and] liquor **FOR OFF-PREMISES CONSUMPTION if THE PERSON HOLDS ANY LICENSE FOR OFF-PREMISES CONSUMPTION OR FOR ON- AND OFF-PREMISES CONSUMPTION**[:

(i) the Board of License Commissioners determines that the person is fit to operate the retail outlet; and

(ii) the Director had a contract with a person to operate the retail outlet on January 1, 1997].

(3) THE DEPARTMENT SHALL ESTABLISH CRITERIA FOR CONTRACTING WITH RETAIL OUTLETS.

(d) A dispensary [or a retail outlet operated under contract with the Director]:

(1) may sell only:

(i) for off-premises consumption, nonchilled beer, wine, and liquor;

(ii) ice;

(iii) bottled water; and

(iv) items commonly associated with the serving or consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

(2) may not sell snack foods or soft drinks.

(e) The Department may sell or deliver alcoholic beverages to a retail license holder from 6 a.m. to midnight on every day except Sunday.

(f) A manager of a dispensary, an individual who contracts to operate a retail outlet as authorized under subsection (c) of this section, or an employee of a dispensary or retail outlet who commits a prohibited act related to the sale or providing of alcoholic beverages to individuals under the age of 21 years under this article or the Criminal Law Article is subject to:

(Over)

HB0315/523590/1 Economic Matters Committee
Amendments to HB 315
Page 4 of 4

(1) any penalty authorized by law, including a civil citation issued under § 10–119 of the Criminal Law Article; and

(2) a fine and suspension or revocation of employment by the Board in the same manner as a license holder or employee of a license holder would be subject to a fine and suspension or revocation of the license for the violation.

(g) Title 4, Subtitle 2 of this article does not apply to this section.

On page 4, in line 1, strike “3.” and substitute “2.”.