

HOUSE BILL 1391

A2

7lr3124
CF SB 801

By: **Delegates Brooks, West, Aumann, Cluster, Ebersole, Glenn, Grammer, Hettleman, Hill, Jones, Lafferty, Lam, Metzgar, Miele, Stein, Szeliga, and C. Wilson**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Class 5 Brewery**

3 FOR the purpose of requiring the Board of License Commissioners for Baltimore County to
4 issue an on-site consumption permit to a certain holder of a Class 5 brewery license
5 located in a certain area at the time the permit is first issued; providing for the sale
6 of a certain quantity of beer under the permit each year under certain circumstances;
7 providing that beer may be sold in excess of a certain quantity in a year only if
8 purchased from a licensed beer wholesaler; and generally relating to alcoholic
9 beverages in Baltimore County.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 2–207(e) and 13–102
13 Annotated Code of Maryland
14 (2016 Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 13–401
18 Annotated Code of Maryland
19 (2016 Volume and 2016 Supplement)

20 BY adding to
21 Article – Alcoholic Beverages
22 Section 13–403
23 Annotated Code of Maryland
24 (2016 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Alcoholic Beverages**

4 2–207.

5 (e) (1) A local licensing board shall grant an on–site consumption permit to an
6 applicant that holds a Class 5 brewery license and, subject to paragraph (3) of this
7 subsection, a Class D beer license.

8 (2) (i) An on–site consumption permit entitles the holder to sell beer
9 brewed at the brewery for on–premises consumption to an individual who has attained the
10 legal drinking age.

11 (ii) The total amount of beer sold each year for on–premises
12 consumption under this paragraph may not exceed 500 barrels.

13 (3) Before a local licensing board that does not issue a Class D beer license
14 may grant an on–site consumption permit, the local licensing board shall:

15 (i) establish an equivalent license; and

16 (ii) require the applicant to obtain that equivalent license.

17 (4) A local licensing board may:

18 (i) charge a fee for granting an on–site consumption permit; and

19 (ii) require that the holder of the permit or an employee designated
20 by the holder comply with the alcohol awareness training requirements under § 4–505 of
21 this article.

22 13–102.

23 This title applies only in Baltimore County.

24 13–401.

25 (a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of
26 Division I of this article apply in the county without exception or variation:

27 (1) § 2–201 (“Issuance by Comptroller”);

28 (2) § 2–202 (“Class 1 distillery license”);

29 (3) § 2–203 (“Class 9 limited distillery license”);

1 (4) § 2–204 (“Class 2 rectifying license”);

2 (5) § 2–205 (“Class 3 winery license”);

3 (6) § 2–206 (“Class 4 limited winery license”);

4 (7) [§ 2–207 (“Class 5 brewery license”);

5 (8)] § 2–208 (“Class 6 pub–brewery license”);

6 [(9)] (8) § 2–209 (“Class 7 micro–brewery license”);

7 [(10)] (9) § 2–210 (“Class 8 farm brewery license”);

8 [(11)] (10) § 2–211 (“Residency requirement”);

9 [(12)] (11) § 2–212 (“Additional licenses”);

10 [(13)] (12) § 2–213 (“Additional fees”);

11 [(14)] (13) § 2–214 (“Sale or delivery restricted”);

12 [(15)] (14) § 2–216 (“Interaction between manufacturing entities and
13 retailers”);

14 [(16)] (15) § 2–217 (“Distribution of alcoholic beverages — Prohibited
15 practices”); and

16 [(17)] (16) § 2–218 (“Restrictive agreements between producers and
17 retailers — Prohibited”).

18 (b) Section 2–215 (“Beer sale on credit to retail dealer prohibited”) of Division I of
19 this article does not apply in the county.

20 (c) **SECTION 2–207 (“CLASS 5 BREWERY LICENSE”) OF DIVISION I OF THIS**
21 **ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13–403 OF THIS SUBTITLE.**

22 **13–403.**

23 (A) **THIS SECTION APPLIES TO A CLASS 5 LICENSE IN THE COUNTY.**

24 (B) **NOTWITHSTANDING THE VOLUME LIMIT IN § 2–207(E)(2)(II) OF THIS**
25 **ARTICLE, AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD SHALL**
26 **ISSUE AN ON–SITE CONSUMPTION PERMIT TO A LICENSE HOLDER THAT AUTHORIZES**

1 THE HOLDER TO SELL FOR ON-PREMISES CONSUMPTION BEER BREWED AT THE
2 PREMISES NOT TO EXCEED 5,000 BARRELS EACH YEAR IF:

3 (1) THE BREWERY FOR WHICH THE CLASS 5 LICENSE IS ISSUED IS
4 LOCATED WITHIN AN ENTERPRISE ZONE UNDER TITLE 5, SUBTITLE 7 OF THE
5 ECONOMIC DEVELOPMENT ARTICLE WHEN FIRST ISSUED; AND

6 (2) ON-PREMISES CONSUMPTION IS NOT ALLOWED AFTER 10 P.M. ON
7 SUNDAY THROUGH THURSDAY OR AFTER MIDNIGHT ON FRIDAY AND SATURDAY.

8 (C) THE HOLDER OF AN ON-SITE CONSUMPTION PERMIT UNDER THIS
9 SECTION MAY SELL BEER BREWED AT THE PREMISES IN EXCESS OF 5,000 BARRELS
10 IN A YEAR ONLY IF THE HOLDER PURCHASES THE EXCESS FROM A LICENSED BEER
11 WHOLESALE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2017.