

# HOUSE BILL 148

A2

8lr0431

---

By: **Montgomery County Delegation**

Introduced and read first time: January 17, 2018

Assigned to: Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Class C Per Diem Licenses**

3 **MC 8–18**

4 FOR the purpose of authorizing the holder of a certain Class C per diem alcoholic beverages  
5 license in Montgomery County to purchase alcoholic beverages from certain sources;  
6 and generally relating to per diem alcoholic beverages licenses in Montgomery  
7 County.

8 BY repealing and reenacting, without amendments,  
9 Article – Alcoholic Beverages  
10 Section 4–1203, 4–1204, 25–102, and 25–307  
11 Annotated Code of Maryland  
12 (2016 Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Alcoholic Beverages  
15 Section 25–1301  
16 Annotated Code of Maryland  
17 (2016 Volume and 2017 Supplement)

18 BY adding to  
19 Article – Alcoholic Beverages  
20 Section 25–1302  
21 Annotated Code of Maryland  
22 (2016 Volume and 2017 Supplement)

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

25 **Article – Alcoholic Beverages**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-1203.

2 (a) A Class C per diem beer license or a Class C per diem beer and wine license  
3 entitles the license holder to exercise any of the privileges conferred by the respective class  
4 of license:

5 (1) for the use of a person holding an entertainment event that is conducted  
6 by a club;

7 (2) at the place described in the license; and

8 (3) for a period not exceeding 7 consecutive days.

9 (b) (1) A holder of a wholesaler's license may enter into an agreement with the  
10 holder of a 1-day Class C per diem beer license or a 1-day Class C per diem beer and wine  
11 license to:

12 (i) deliver beer or wine allowed under the license starting 2 days  
13 before the effective date of the license; and

14 (ii) accept returns not more than 2 days after the expiration date of  
15 the license.

16 (2) Delivery of beer or wine ordered in accordance with an agreement made  
17 under paragraph (1) of this subsection may be made only if the holder of the 1-day per diem  
18 license possesses the license at the time of delivery.

19 4-1204.

20 (a) A Class C per diem beer, wine, and liquor license entitles the license holder to  
21 exercise any of the privileges conferred by this class of license:

22 (1) for the use of a person holding an entertainment event that is conducted  
23 by a club;

24 (2) at the place described in the license; and

25 (3) for a period not exceeding 7 consecutive days.

26 (b) Alcoholic beverages sold under a Class C per diem beer, wine, and liquor  
27 license shall be purchased by the license holder from a retail dealer.

28 25-102.

29 This title applies only in Montgomery County.

1 25–307.

2 (a) This section does not apply to a holder of a Class F license.

3 (b) (1) Except as provided in paragraphs (2) through (8) of this subsection:

4 (i) the Department has a monopoly on the wholesale distribution of  
5 beer, wine, and liquor and retail distribution of off-sale liquor in the county, subject to §  
6 1–309 of this article; and

7 (ii) a person may sell only alcoholic beverages that are purchased  
8 from the Department.

9 (2) The holders of the following wholesaler’s licenses may sell or deliver  
10 alcoholic beverages for resale to a dispensary:

11 (i) a Class 1 beer, wine, and liquor license;

12 (ii) a Class 2 wine and liquor license;

13 (iii) a Class 3 beer and wine license;

14 (iv) a Class 4 beer license; or

15 (v) a Class 5 wine license.

16 (3) The holder of a Class 6 limited wine wholesaler’s license or nonresident  
17 winery permit may sell or deliver wine directly to a dispensary, restaurant, or other retail  
18 dealer in the county.

19 (4) The holder of a Class 7 limited beer wholesaler’s license or nonresident  
20 brewery permit may sell or deliver its own beer to a dispensary, restaurant, or other retail  
21 dealer in the county.

22 (5) The holder of a Class 8 liquor wholesaler’s license or nonresident  
23 distillery permit may sell or deliver its own liquor to a dispensary, restaurant, or other  
24 retail dealer authorized to sell liquor in the county.

25 (6) A holder of a direct wine shipper’s permit may ship wine directly to a  
26 consumer in the county.

27 (7) A dispensary, restaurant, or other retail dealer in the county may  
28 purchase wine directly from a holder of a Class 6 limited wine wholesaler’s license or of a  
29 nonresident winery permit.

1 (8) A dispensary, restaurant, or other retail dealer in the county may  
 2 purchase beer directly from a holder of a Class 7 limited beer wholesaler's license or of a  
 3 nonresident brewery permit.

4 (9) A dispensary, restaurant, or other retail dealer authorized to sell liquor  
 5 in the county may purchase liquor directly from a holder of a Class 8 liquor wholesaler's  
 6 license or of a nonresident distillery permit.

7 (10) A holder of a charity wine auction permit in the county may receive and  
 8 sell wine obtained from any source listed under § 2-137 of this article.

9 25-1301.

10 (a) The following sections of Title 4, Subtitle 12 ("Temporary Licenses") of  
 11 Division I of this article apply in the county without exception or variation:

12 (1) § 4-1202 ("Per diem licenses");

13 [(2) § 4-1203 ("Class C per diem beer and Class C per diem beer and wine  
 14 licenses");

15 (3) § 4-1204 ("Class C per diem beer, wine, and liquor license");]

16 [(4) (2) § 4-1206 ("License to dispose of stock");

17 [(5) (3) § 4-1207 ("Temporary move of licensed premises");

18 [(6) (4) § 4-1208 ("Hours and days of sale"); and

19 [(7) (5) § 4-1209 ("Wine permit for fund-raising event").

20 (b) Section 4-1205 ("License fees") of Division I of this article does not apply in  
 21 the county and is superseded by § 25-1311 of this subtitle.

22 (c) **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY  
 23 LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

24 (1) **§ 4-1203 ("CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER  
 25 AND WINE LICENSES"), SUBJECT TO § 25-1302 OF THIS SUBTITLE; AND**

26 (2) **§ 4-1204 ("CLASS C PER DIEM BEER, WINE, AND LIQUOR  
 27 LICENSE"), SUBJECT TO § 25-1302 OF THIS SUBTITLE.**

28 **25-1302.**

1           **A HOLDER OF A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER**  
2 **AND WINE LICENSE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY**  
3 **PURCHASE ALCOHOLIC BEVERAGES FROM:**

4                   **(1) A COUNTY DEPARTMENT OF LIQUOR CONTROL WAREHOUSE;**

5                   **(2) A DISPENSARY;**

6                   **(3) A MANUFACTURER WITH A SELF-DISTRIBUTION LICENSE OR**  
7 **PERMIT UNDER § 25-307 OF THIS TITLE; OR**

8                   **(4) A RETAIL DEALER LICENSED TO SELL ALCOHOLIC BEVERAGES**  
9 **FOR OFF-PREMISES CONSUMPTION.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2018.