

HOUSE BILL 178

A2

(8lr0324)

ENROLLED BILL

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Montgomery County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County Alcohol Modernization Act of 2018**

3 **MC 4-18**

4 FOR the purpose of allowing a dispensary in Montgomery County to sell draft beer in
5 refillable and nonrefillable containers and wine in refillable containers; ~~allowing a~~
6 ~~dispensary to sell chilled beer, wine, and soft drinks;~~ repealing the prohibition in the
7 county on issuing certain alcoholic beverages licenses for use in conjunction with or
8 on the premises of a bowling alley, or billiard hall, ~~or drugstore~~ or a restaurant in a
9 bowling alley, or billiard hall, ~~or drugstore~~; repealing certain location restrictions in
10 order to allow the Board of License Commissioners to issue a Class B beer, wine, and
11 liquor license throughout the county; ~~repealing certain monthly reporting~~
12 ~~requirements for certain first-year license holders;~~ altering certain requirements for
13 hotels and motels for which a Class B-BWL (H-M) license is issued; altering the
14 number of Board member votes required to issue a culinary school beer and wine

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~license from a unanimous vote to a majority vote~~; allowing a certain license applicant
 2 to submit a copy of a government-issued photograph to meet a certain requirement;
 3 ~~repealing certain restrictions~~ a certain restriction on the issuance of a Class H beer
 4 and wine license ~~and a Class D license~~ having to do with gross receipts; allowing an
 5 individual of a certain age to be employed in the sale of liquor; altering a certain age
 6 requirement for a deliverer of an off-site retail delivery; altering hours of sale for
 7 certain licenses; altering a certain requirement concerning possessing an open
 8 alcoholic beverages container on private property; ~~altering certain requirements and~~
 9 ~~penalty provisions concerning knowingly selling or providing alcoholic beverages to~~
 10 ~~certain individuals~~; repealing the prohibition against a pharmacist or pharmacy
 11 using or dispensing alcoholic beverages other than those purchased from the County
 12 Department of Liquor Control; repealing the prohibition against a person in a vehicle
 13 in which alcoholic beverages are present having a smoke screen or other device to
 14 prevent the arrest or seizure of the vehicle; defining certain terms; making certain
 15 technical changes; and generally relating to alcoholic beverages in Montgomery
 16 County.

17 BY repealing and reenacting, without amendments,
 18 Article – Alcoholic Beverages
 19 Section 25-102, 25-902(a), and 25-2005(a) and (b)
 20 Annotated Code of Maryland
 21 (2016 Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,
 23 Article – Alcoholic Beverages
 24 Section 25-310(d), ~~25-601~~, 25-602, ~~25-604~~, 25-605, ~~25-802~~, 25-803, ~~25-902~~
 25 25-902(b), 25-904, 25-1004, 25-1008, 25-1409, 25-1609, 25-1901, 25-1904,
 26 25-2002, 25-2004, 25-2005(c), (d), (e), (g), and (h), 25-2704, ~~25-2705~~, and
 27 25-2709
 28 Annotated Code of Maryland
 29 (2016 Volume and 2017 Supplement)

30 BY repealing
 31 Article – Alcoholic Beverages
 32 Section ~~25-1609~~, 25-2707, and 25-2708
 33 Annotated Code of Maryland
 34 (2016 Volume and 2017 Supplement)

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

37 Article – Alcoholic Beverages

38 25-102.

39 This title applies only in Montgomery County.

1 25-310.

2 (d) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (II) "BEER" INCLUDES DRAFT BEER IN REFILLABLE AND
5 NONREFILLABLE CONTAINERS.

6 (III) "WINE" INCLUDES WINE IN REFILLABLE CONTAINERS.

7 (2) A dispensary:

8 ~~(1) MAY SELL, FOR OFF-PREMISES CONSUMPTION;~~

9 ~~(I) DRAFT BEER IN REFILLABLE AND NONREFILLABLE~~
10 ~~CONTAINERS; AND~~

11 ~~(II) WINE IN REFILLABLE CONTAINERS;~~

12 ~~(2)~~ (I) may sell only:

13 ~~(i)~~ 1. except as provided for in subsection (e) of this section, for
14 off-premises consumption ~~1;~~

15 ~~1.~~ nonchilled beer, wine, ~~{and}~~ liquor, ~~AND SOFT DRINKS;~~
16 ~~AND~~

17 ~~2.~~ ~~CHILLED BEER, WINE, AND SOFT DRINKS;~~

18 ~~(ii)~~ 2. ice;

19 ~~(iii)~~ 3. bottled water; and

20 ~~(iv)~~ 4. items commonly associated with the serving or
21 consumption of alcoholic beverages, including bottle openers, corkscrews, drink mixes, and
22 lime juice; and

23 ~~[(2)]~~ ~~(3)~~ (II) may not sell snack foods ~~{or soft drinks}~~.

24 ~~25-601.~~

25 ~~(a) There is a Class A beer license.~~

1 ~~(b) (1) [Subject to paragraph (2) of this subsection, the] THE license~~
 2 ~~authorizes the license holder to sell beer at retail to consumers at the place described in the~~
 3 ~~license.~~

4 ~~(2) [A license may not be issued for, for use in conjunction with, or on the~~
 5 ~~premises of:~~

6 ~~(i) a bowling alley, billiard hall, or drugstore or a restaurant located~~
 7 ~~in a bowling alley, billiard hall, or drugstore; or~~

8 ~~(ii) a premises that has a passageway providing direct public access~~
 9 ~~to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley,~~
 10 ~~billiard hall, or drugstore.~~

11 ~~(3) The license holder shall sell the beer in a sealed package or container.~~

12 ~~[(4) (3) The package or container may not be opened and its contents~~
 13 ~~may not be consumed on the premises where the beer was sold.~~

14 ~~(e) The annual license fee is \$200.~~

15 ~~25-602.~~

16 (a) There is a Class B beer license.

17 ~~(b) [(1) Subject to paragraph (2) of this subsection, the] THE license authorizes~~
 18 ~~the license holder to sell beer at retail at a hotel or restaurant at the place described in the~~
 19 ~~license for on- and off-premises consumption.~~

20 ~~[(2) A license may not be issued for, for use in conjunction with, or on the~~
 21 ~~premises of:~~

22 ~~(i) a bowling alley, billiard hall, or drugstore or a restaurant located~~
 23 ~~in a bowling alley, billiard hall, or drugstore; or~~

24 ~~(ii) a premises that has a passageway providing direct public access~~
 25 ~~to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley,~~
 26 ~~billiard hall, or drugstore.]~~

27 (c) The annual license fee is \$250.

28 ~~25-604.~~

29 ~~(a) There is a Class D beer license.~~

1 ~~(b) [(1) Subject to paragraph (2) of this subsection, the] THE license authorizes~~
 2 ~~the license holder to sell beer at retail at the place described in the license for on- and~~
 3 ~~off- premises consumption.~~

4 ~~[(2) A license may not be issued for, for use in conjunction with, or on the~~
 5 ~~premises of:~~

6 ~~(i) a bowling alley, billiard hall, or drugstore or a restaurant located~~
 7 ~~in a bowling alley, billiard hall, or drugstore; or~~

8 ~~(ii) a premises that has a passageway providing direct public access~~
 9 ~~to a bowling alley, billiard hall, or drugstore or a restaurant located in a bowling alley,~~
 10 ~~billiard hall, or drugstore.]~~

11 ~~(e) The annual license fee is \$250.~~

12 25-605.

13 (a) There is a Class H beer license.

14 (b) (1) Subject to [paragraphs (2) through (4)] ~~PARAGRAPH PARAGRAPHS~~
 15 ~~(2) AND (3)~~ of this subsection, the license authorizes the license holder to sell beer at retail
 16 at a hotel or restaurant at the place described in the license for on-premises consumption.

17 (2) ~~[A license may not be issued for, for use in conjunction with, or on the~~
 18 ~~premises of:~~

19 (i) a restaurant located in a drugstore; or

20 (ii) a premises that has a passageway providing direct public access
 21 to a drugstore.

22 (3) ~~A license may be issued for a bowling alley if the bowling alley has at~~
 23 ~~least 24 lanes and is equipped with automatic pin setters.~~

24 ~~(4)]~~ A license may be issued for a public golf course under § 25-1101 of this
 25 title.

26 (c) The annual license fee is \$400.

27 (d) (1) There is one Class H license that shall be issued to a person who, on
 28 June 30, 1997, held a Class B beer license and operated a licensed premises that was located
 29 in that portion of the City of Takoma Park that was formerly part of Prince George's
 30 County.

1 (2) The Class H license holder may exercise all of the privileges that the
2 license holder was authorized to exercise on June 30, 1997.

3 (3) The annual license fee is \$400.

4 ~~25-802.~~

5 (a) ~~There is a Class A beer and wine license.~~

6 (b) ~~(1) The license authorizes the license holder to sell beer and wine, at retail,
7 at the place described in the license.~~

8 ~~(2) The license holder shall sell the beer and wine in a sealed package or
9 container.~~

10 ~~(3) The package or container may not be opened and its contents may not
11 be consumed on the premises where the beer or wine is sold.~~

12 (c) ~~[(1) Except as provided in paragraph (2) of this subsection, the license may
13 not be issued to or used in conjunction with:~~

14 ~~(i) an establishment that is a bowling alley, billiard hall, or
15 drugstore, or a restaurant in the establishment; or~~

16 ~~(ii) a place with a door, an archway, an opening, or any other
17 passageway providing direct public access to an establishment listed under item (i) of this
18 paragraph.~~

19 ~~(2) Paragraph (1) of this subsection does not apply to the renewal of the
20 license for use by a supermarket that includes a drugstore.~~

21 ~~(d)] The annual license fee is \$250.~~

22 25-803.

23 (a) There is a Class B beer and wine license.

24 (b) The license authorizes the license holder to sell beer and wine at a hotel or
25 restaurant, at retail, at the place described in the license, for on- and off-premises
26 consumption.

27 (c) ~~¶~~The license may not be issued to or used in conjunction with:

28 (1) an establishment that is a ~~bowling alley, billiard hall, or drugstore,~~ or
29 a restaurant in ~~the establishment~~ **A DRUGSTORE**; or

1 (2) a place with a door, an archway, an opening, or any other passageway
2 providing direct public access to an establishment listed under item (1) of this subsection.

3 ~~(d)~~ The annual license fee is \$400.

4 25-902.

5 (a) There is a Class B beer, wine, and liquor license.

6 (b) The Board may issue the license to the owner or operator of a restaurant or
7 hotel if:

8 (1) [the restaurant is located in the 2nd, 3rd, 4th, 6th, 7th, 8th, 9th, 10th,
9 or 13th election district;

10 (2) the restaurant or hotel is not located in Poolesville or Kensington;

11 (3) before the issuance of the license, the owner or operator attests in a
12 sworn statement that gross receipts from food sales in the restaurant or hotel will be at
13 least equal to 40% of the gross receipts from the sale of food and alcoholic beverages; and

14 ~~[(4) (2)~~ before each renewal of the license, the owner or operator attests
15 in a sworn statement that the gross receipts from food sales in the restaurant or hotel for
16 the 12 months immediately before the application for renewal have been at least equal to
17 40% of the gross receipts from the sale of food and alcoholic beverages.

18 ~~(e) The license authorizes the license holder to sell beer, wine, and liquor at retail
19 at the place described in the license for on-premises consumption.~~

20 ~~(d) The Board shall adopt regulations to:~~

21 ~~(1) provide for:~~

22 ~~(i) periodic inspection of the premises; and~~

23 ~~(ii) audits to determine the ratio of gross receipts from the sale of
24 food to gross receipts from the sale of beer, wine, and liquor; and~~

25 ~~(2) during the initial license year, require:~~

26 ~~(i) at least monthly physical inspections of the premises; and~~

27 ~~(ii) the license holder to submit to the Board monthly statements
28 showing gross receipts from the sale of food and gross receipts from the sale of beer, wine,
29 and liquor for the preceding month].~~

~~(e) (1) The Board may revoke a license if the license holder fails to maintain the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages required under this section:~~

~~(i) during the initial license year, for 3 consecutive months; or~~

~~(ii) after the initial license year, for each license or calendar year.~~

~~(2) The Board may require a license holder to provide supporting data as the Board considers necessary to establish that the license holder has met the requirements of this section relating to the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.~~

~~(f) The annual license fee is \$2,500.~~

25-904.

(a) There is a Class B-BWL (H-M) beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel or motel that[:

(1) is in a building at least three stories tall that was originally constructed for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public; and

(iii) a dining room with facilities for preparing and serving regular meals for at least 125 individuals at one seating] **CONTAINS AT LEAST FIVE ROOMS TO ACCOMMODATE THE PUBLIC.**

(c) The license authorizes the license holder to sell beer, wine, and liquor in accordance with § 25-902 of this subtitle, except that registered guests may be served in their rooms.

(d) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 25-2005(e) of this title.

(e) The annual license fee is \$2,500.

25-1004.

1 (a) There is a BWL Community Performing Arts Facility license.

2 (b) (1) The Board may issue the license for use by a nonprofit partnership,
3 limited liability company, corporation, or other entity that owns or leases a performing arts
4 facility that:

5 (i) is used for art classes, banquets, community-related activities,
6 exhibits, live performances, shows, theater productions, visual art shows, and weddings;
7 and

8 (ii) has:

9 1. a minimum capacity of 200 individuals; and

10 2. a maximum capacity of 1,499 individuals.

11 (2) The Board may not issue more than three licenses to a nonprofit
12 partnership, limited liability company, corporation, or other entity that owns or leases
13 performing arts facilities in separate locations.

14 (c) (1) The license authorizes the license holder to sell beer, wine, and liquor
15 by the drink from one or more outlets on the licensed premises for on-premises
16 consumption.

17 (2) The Board may impose conditions on the issuance or renewal of the
18 license that establish the areas in the community performing arts facility where beer, wine,
19 and liquor may be sold, served, possessed, or consumed.

20 (3) The license holder shall ensure that food is provided during the hours
21 beer, wine, and liquor are sold, served, possessed, or consumed.

22 (d) (1) The holder of a Class B-BWLHR license with catering authority, a local
23 caterer's license, or a State caterer's license may bring alcoholic beverages and food on the
24 licensed premises under the terms of a contract with a holder of a BWL Community
25 Performing Arts Facility license.

26 (2) A violation of this title that occurs when a caterer brings alcoholic
27 beverages on licensed premises as provided under paragraph (1) of this subsection is the
28 responsibility of the caterer and is not the responsibility of the license holder.

29 (e) The license holder may sell beer, wine, and liquor from [10 a.m.] 9 A.M. on
30 any day of the week to 2 a.m. the following day.

31 (f) The license may not be transferred to another location.

32 (g) The annual license fee is \$750.

1 25-1008.

2 (a) There is a culinary school beer and wine license.

3 (b) The Board, by [unanimous] MAJORITY vote, may issue the license for use on
4 the premises of a private culinary educational institution that:

5 (1) is accredited by a nationally recognized accrediting association;

6 (2) is approved by the State Higher Education Commission; and

7 (3) holds a private educational institution license issued by the county.

8 (c) (1) The license authorizes the license holder to:

9 (i) allow the consumption of wine by individuals who are at least 21
10 years old and registered in a wine tasting course offered by the license holder; and

11 (ii) allow the consumption of beer and wine by individuals who are
12 at least 21 years old and registered in a culinary or confectionary course offered by the
13 license holder.

14 (2) An individual may consume beer or wine under the license on the
15 licensed premises.

16 (d) A license holder may conduct the activities specified in subsection (b) of this
17 section:

18 (1) from Monday through Thursday, from 9 a.m. to 1 a.m. the following day;

19 (2) on Friday and Saturday, from 9 a.m. to 2 a.m. the following day; and

20 (3) on Sunday, from 10 a.m. to 1 a.m. the following day.

21 (e) The license holder shall provide food during the hours that alcoholic beverages
22 are served.

23 (f) A license holder may not simultaneously hold a different type of license issued
24 under this article.

25 (g) The annual license fee is \$400.

26 25-1409.

27 (a) This section does not apply to an application for a temporary license issued in
28 accordance with Subtitle 13 of this title.

1 (b) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN
 2 applicant shall submit with the application clear and recent photographs and copies of the
 3 fingerprints of the applicant and of the person who will be actively in charge of the business
 4 to be conducted under the license.

5 (2) A PHOTOGRAPH SUBMITTED UNDER PARAGRAPH (1) OF THIS
 6 SUBSECTION MAY BE A COPY OF A GOVERNMENT-ISSUED PHOTOGRAPH.

7 ~~25-1609.~~

8 (a) The Board may not issue:

9 (1) a Class H beer and wine license:

10 (i) for use in conjunction with, on the site of, or to a restaurant in a
 11 drugstore; or

12 (ii) for use in an establishment with a door, an archway, an opening,
 13 or other passageway providing direct public access to a drugstore; or

14 (2) a Class D license:

15 (i) for use in conjunction with, on the site of, or to a bowling alley,
 16 billiard hall, or drugstore;

17 (ii) for use in an establishment with a door, an archway, an opening,
 18 or other passageway providing direct public access to a bowling alley, billiard hall, or
 19 drugstore; or

20 (iii) for use in conjunction with, on the site of, or to a restaurant in a
 21 bowling alley, billiard hall, or drugstore.

22 (b) ~~If the gross receipts from the sale of alcoholic beverages do not exceed the gross~~
 23 ~~receipts from the sale of food, the Board may issue a Class H license to, for use in~~
 24 ~~conjunction with, or on the site of a restaurant in a bowling alley.~~

25 ~~(c)~~ This section does not apply to a drugstore or adjoining establishment that on
 26 July 1, 1969:

27 (1) held a Class D license; and

28 (2) had a door, an archway, an opening, or other passageway providing
 29 direct public access to any drugstore.‡

30 25-1901.

1 (a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License
2 Holders”) of Division I of this article apply in the county without exception or variation:

3 (1) § 4–502 (“Storage of alcoholic beverages”);

4 (2) § 4–503 (“Solicitations and sales outside of licensed premises”);

5 (3) [§ 4–504 (“Employment of underage individuals”);

6 (4)] § 4–506 (“Evidence of purchaser’s age”); and

7 [(5)] (4) § 4–508 (“Display of license”).

8 (b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License
9 Holders”) of Division I of this article apply in the county:

10 (1) **§ 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT
11 TO § 25–1904 OF THIS SUBTITLE;**

12 (2) § 4–505 (“Alcohol awareness program”), subject to §§ 25–1902 and
13 25–1903 of this subtitle; and

14 [(2)] (3) § 4–507 (“Retail delivery of alcoholic beverages”), subject to §
15 25–1904 of this subtitle.

16 25–1904.

17 (a) **IN ADDITION TO BEING EMPLOYED IN THE SALE OF BEER AND WINE IN
18 ACCORDANCE WITH § 4–504(B) OF THIS ARTICLE, AN INDIVIDUAL AT LEAST 18
19 YEARS OLD AND UNDER THE AGE OF 21 YEARS MAY BE EMPLOYED IN THE SALE OF
20 LIQUOR.**

21 (B) A license holder may not make an off–site retail delivery of alcoholic beverages
22 unless:

23 (1) the deliverer is at least[:

24 (i) 21 years old; or

25 (ii) 18 years old and is accompanied by a supervisor who is at least
26 21 years old] **18 YEARS OLD;** and

27 (2) the individual taking possession of the delivery provides the deliverer
28 with written certification that is:

1 (i) in the form described under § 4–506 of this article; and

2 (ii) supported by documentary proof that the individual is of legal
3 age to purchase alcoholic beverages.

4 **[(b)] (C)** (1) Each certification executed under this section shall be retained
5 by the license holder for at least 1 year.

6 (2) A certification shall be available for examination during regular
7 business hours by an authorized representative of the Board.

8 **[(c)] (D)** The Board shall adopt regulations to carry out this section.

9 25–2002.

10 (a) A holder of a Class A beer license may sell beer on Monday through Sunday,
11 from 6 a.m. to 1 a.m. the following day.

12 (b) A holder of a Class B beer license may sell beer on Monday through Sunday:

13 (1) for on–premises consumption, from 9 a.m. to **[1 a.m.] 2 A.M.** the
14 following day; and

15 (2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

16 (c) A holder of a Class C beer license may sell beer on Monday through Sunday,
17 from **[11 a.m. to midnight] 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

18 (d) A holder of a Class D beer license may sell beer on Monday through Sunday:

19 (1) for on–premises consumption, from 9 a.m. to **[1 a.m.] 2 A.M.** the
20 following day; and

21 (2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.

22 (e) A holder of a Class H beer license may sell beer[:

23 (1)] on Monday through **[Saturday] SUNDAY**, from 9 a.m. to **[1 a.m.] 2 A.M.**
24 the following day[; and

25 (2) on Sunday, from 10 a.m. to 1 a.m. the following day].

26 25–2004.

27 (a) A holder of a Class A beer and wine license may sell beer and wine Monday
28 through Sunday, from 6 a.m. to 1 a.m. the following day.

1 (b) [(1)] A holder of a Class B beer and wine license may sell beer and wine:

2 [(i)] (1) for on-premises consumption[:],

3 [1.] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to
4 [1 a.m.] **2 A.M.** the following day[; and

5 2. on Sunday, from 10 a.m. to 1 a.m. the following day]; and

6 [(ii)] (2) for off-premises consumption, on Monday through
7 Sunday, from 6 a.m. to 1 a.m. **THE FOLLOWING DAY.**

8 [(2)] The license holder may not sell beer or wine at a bar or counter on
9 Sunday, from 9 a.m. to 1 a.m. the following day.]

10 (c) (1) Except as provided in paragraph (2) of this subsection, a holder of a
11 Class B–K beer and wine license may sell beer and wine[:

12 (i)] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to 1 a.m.
13 the following day[; and

14 (ii) on Sunday, from 10 a.m. to 1 a.m. the following day].

15 (2) The license holder may not sell beer or wine after 11 p.m. if the licensed
16 establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13 of this
17 title.

18 (d) A holder of a Class C beer and wine license may sell beer and wine on Monday
19 through Sunday, from [11 a.m. to midnight] **9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

20 (e) A holder of a Class D beer and wine license may sell beer and wine:

21 (1) for on-premises consumption, on Monday through Sunday, from 9 a.m.
22 to [1 a.m.] **2 A.M.** the following day; and

23 (2) for off-premises consumption, on Monday through Sunday, from 6 a.m.
24 to 1 a.m. the following day.

25 (f) A holder of a Class H beer and wine license may sell beer and wine for
26 on-premises consumption[:

27 (1)] on Monday through [Saturday] **SUNDAY**, from 9 a.m. to [1 a.m.] **2 A.M.**
28 the following day[; and

1 (2) on Sunday, from 10 a.m. to 1 a.m. the following day].

2 25–2005.

3 (a) Reserved.

4 (b) A holder of a Class A–TP beer, wine, and liquor license may sell beer, wine,
5 and liquor on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

6 (c) (1) Subject to [paragraphs (2) and (3)] **PARAGRAPH (2)** of this subsection,
7 a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

8 (i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following
9 day;

10 (ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day;
11 and

12 (iii) on Sunday:

13 1. from [10 a.m.] **9 A.M.** to 2 a.m. the following day; or

14 2. from [10 a.m.] **9 A.M.** to 3 a.m. the following day if the
15 federal government has designated the following day as a public holiday.

16 (2) [The license holder may not sell beer, wine, or liquor at a bar or counter
17 on Sunday, from 10 a.m. to 1 a.m. the following day.

18 (3) The license holder shall sell or make available food for consumption on
19 the premises during the hours that alcoholic beverages are permitted to be served.

20 (d) (1) Except as provided in paragraph (2) of this subsection, a holder of a
21 Class B–K beer, wine, and liquor license may sell beer, wine, and liquor[:

22 (i) on Monday through [Saturday] **SUNDAY**, from 9 a.m. to 1 a.m.
23 the following day]; and

24 (ii) on Sunday, from 10 a.m. to 1 a.m. the following day].

25 (2) The license holder may not sell beer, wine, or liquor after 11 p.m. if the
26 licensed establishment is in a commercial area specified in § 25–1604(b)(1)(ii)9 through 13
27 of this title.

28 (e) (1) Subject to [paragraphs (2) and (3)] **PARAGRAPH (2)** of this subsection,
29 a holder of a Class B–BWL (H–M) beer, wine, and liquor license may sell beer, wine, and
30 liquor:

1 (i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following
2 day;

3 (ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day;
4 and

5 (iii) on Sunday:

6 1. from [10 a.m.] **9 A.M.** to 2 a.m. the following day; or

7 2. from [10 a.m.] **9 A.M.** to 3 a.m. the following day if the
8 federal government has designated the following day as a public holiday.

9 (2) [The license holder may not sell beer, wine, or liquor at a bar or counter
10 on Sunday, from 10 a.m. to 1 a.m. the following day.

11 (3)] The license holder shall sell or make available food for consumption on
12 the premises during the hours that alcoholic beverages are permitted to be served.

13 ~~(f) A holder of a Class BD-BWL beer, wine, and liquor license may sell beer, wine,
14 and liquor:~~

15 ~~(1) for on-premises consumption, on Monday through Sunday, from 10
16 a.m. to 2 a.m. the following day; and~~

17 ~~(2) for off-premises consumption, on Monday through Sunday, from 6 a.m.
18 to 1 a.m. the following day.~~

19 ~~(g) (F)~~ [(1) Subject to paragraph (2) of this subsection, a] **A** holder of a Class C
20 beer, wine, and liquor license may sell beer, wine, and liquor[:

21 (i)] on Monday through [Saturday] **SUNDAY**, from 6 a.m. to 2 a.m.
22 the following day]; and

23 (ii) on Sunday, from 10 a.m. to 2 a.m. the following day.

24 (2) The license holder may not sell beer, wine, or liquor at a bar or counter
25 on Sunday, from 10 a.m. to 2 a.m. the following day].

26 ~~(h) (G)~~ **(G)** A holder of a Class C consumption license may allow the on-premises
27 consumption by a member of a corporation, club, or country club from 11 a.m. to 1 a.m. the
28 following day.

29 ~~(i) (1) Subject to paragraph (2) of this subsection, a holder of a Class D beer,
30 wine, and liquor license may sell beer, wine, and liquor:~~

1 (i) ~~on Monday through Thursday, from 9 a.m. to 2 a.m. the following~~
2 ~~day;~~

3 (ii) ~~on Friday and Saturday, from 9 a.m. to 3 a.m. the following day;~~
4 ~~and~~

5 (iii) ~~on Sunday;~~

6 1. ~~from 10 a.m. to 2 a.m. the following day; or~~

7 2. ~~from 10 a.m. to 3 a.m. the following day if the federal~~
8 ~~government has designated the following day as [Washington's Birthday, Memorial Day,~~
9 ~~Independence Day, Labor Day, or Christmas] A PUBLIC HOLIDAY.~~

10 (2) ~~The license holder shall sell or make available food for on-premises~~
11 ~~consumption during the hours that alcoholic beverages are permitted to be served.~~

12 25-2704.

13 An individual may possess an alcoholic beverage in an open container on private
14 property described under § 6-322(a)(1) of this article only if the individual possesses and
15 presents the [written] consent of the owner of the property.

16 ~~25-2705.~~

17 (a) ~~In this section, "knowingly" means the knowledge a reasonable individual~~
18 ~~would have under ordinary circumstances based on the habits, appearance, or personal~~
19 ~~reputation of an individual.~~

20 (b) ~~A license holder or an employee of a license holder may not knowingly sell or~~
21 ~~provide an alcoholic beverage to:~~

22 (1) ~~a habitual drunkard;~~

23 (2) ~~an individual with an intellectual disability; or~~

24 (3) ~~an individual if a [family member or] guardian has given written notice~~
25 ~~to the license holder or employee of the license holder not to sell or provide an alcoholic~~
26 ~~beverage to the individual because of the individual's physical condition, intemperate~~
27 ~~habits, or unsound mind.~~

28 (c) ~~A license holder who violates this section is guilty of a misdemeanor and on~~
29 ~~conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000~~
30 ~~or both.]~~

1 [25–2707.

2 (a) A pharmacist or pharmacy may not use or dispense alcoholic beverages other
3 than those purchased from the County Department of Liquor Control.

4 (b) A person who violates this section on conviction is subject to imprisonment not
5 exceeding 2 years or a fine not exceeding \$2,000 or both.]

6 [25–2708.

7 In a vehicle in which alcoholic beverages are present, a person may not have a smoke
8 screen or other device to prevent the arrest or seizure of the vehicle or an occupant of the
9 vehicle, regardless of whether the device is part of the vehicle.]

10 25–2709.

11 (a) Except as specifically authorized or provided in this article and except as
12 provided in subsection (b) of this section, in a licensed establishment or other licensed
13 premises that is open to the public:

14 (1) a person may not sell or provide alcoholic beverages; and

15 (2) alcoholic beverages may not be consumed.

16 (b) Subsection (a) of this section does not apply in the room of a registered guest
17 in a hotel that meets the minimum requirements under [§ 6–201(q) of this article] §
18 **25–904 OF THIS TITLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.