

# HOUSE BILL 178

A2

8lr0324

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By: **Montgomery County Delegation**

Introduced and read first time: January 18, 2018

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2018

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## 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  
15 license from a unanimous vote to a majority vote; allowing a certain license applicant  
16 to submit a copy of a government-issued photograph to meet a certain requirement;  
17 repealing ~~certain restrictions~~ a certain restriction on the issuance of a Class H beer  
18 and wine license ~~and a Class D license~~ having to do with gross receipts; allowing an  
19 individual of a certain age to be employed in the sale of liquor; altering a certain age  
20 requirement for a deliverer of an off-site retail delivery; altering hours of sale for  
21 certain licenses; altering a certain requirement concerning possessing an open  
22 alcoholic beverages container on private property; ~~altering certain requirements and~~  
23 ~~penalty provisions concerning knowingly selling or providing alcoholic beverages to~~  
24 ~~certain individuals;~~ repealing the prohibition against a pharmacist or pharmacy

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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.



1 using or dispensing alcoholic beverages other than those purchased from the County  
 2 Department of Liquor Control; repealing the prohibition against a person in a vehicle  
 3 in which alcoholic beverages are present having a smoke screen or other device to  
 4 prevent the arrest or seizure of the vehicle; making certain technical changes; and  
 5 generally relating to alcoholic beverages in Montgomery County.

6 BY repealing and reenacting, without amendments,  
 7 Article – Alcoholic Beverages  
 8 Section 25–102, 25–902(a), and 25–2005(a) and (b)  
 9 Annotated Code of Maryland  
 10 (2016 Volume and 2017 Supplement)

11 BY repealing and reenacting, with amendments,  
 12 Article – Alcoholic Beverages  
 13 Section 25–310(d), ~~25–601~~, 25–602, ~~25–604~~, 25–605, ~~25–802~~, 25–803, ~~25–902~~  
 14 25–902(b), 25–904, 25–1004, 25–1008, 25–1409, 25–1609, 25–1901, 25–1904,  
 15 25–2002, 25–2004, 25–2005(c), (d), (e), (g), and (h), 25–2704, ~~25–2705~~, and  
 16 25–2709  
 17 Annotated Code of Maryland  
 18 (2016 Volume and 2017 Supplement)

19 BY repealing  
 20 Article – Alcoholic Beverages  
 21 Section ~~25–1609~~, 25–2707, and 25–2708  
 22 Annotated Code of Maryland  
 23 (2016 Volume and 2017 Supplement)

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

26 **Article – Alcoholic Beverages**

27 25–102.

28 This title applies only in Montgomery County.

29 25–310.

30 (d) **(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**  
 31 **MEANINGS INDICATED.**

32 **(II) “BEER” INCLUDES DRAFT BEER IN REFILLABLE AND**  
 33 **NONREFILLABLE CONTAINERS.**

34 **(III) “WINE” INCLUDES WINE IN REFILLABLE CONTAINERS.**

1           (2) A dispensary:

2           ~~(1) MAY SELL, FOR OFF-PREMISES CONSUMPTION:~~

3           ~~(I) DRAFT BEER IN REFILLABLE AND NONREFILLABLE~~  
4 ~~CONTAINERS; AND~~

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

6           (2) (I) may sell only:

7           ~~(i)~~ 1. except as provided for in subsection (e) of this section, for  
8 off-premises consumption ~~[,]~~

9           ~~1.~~ nonchilled beer, wine, ~~[and]~~ liquor, ~~AND SOFT DRINKS;~~  
10 ~~AND~~

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

12           ~~(ii)~~ 2. ice;

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

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

17           [(2)] ~~(3)~~ (II) may not sell snack foods ~~[or soft drinks]~~.

18 ~~25-601.~~

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

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

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

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

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

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

2           ~~[(4)] (3) The package or container may not be opened and its contents~~  
 3 ~~may not be consumed on the premises where the beer was sold.~~

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

5 25-602.

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

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

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

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

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

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

18 ~~25-604.~~

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

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

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

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

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

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

2 25-605.

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

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

7 (2) ~~¶~~A license may not be issued for, for use in conjunction with, or on the  
 8 premises of:

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

10 (ii) a premises that has a passageway providing direct public access  
 11 to a drugstore.

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

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

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

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

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

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

24 ~~25-802.~~

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

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

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

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

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

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

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

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

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

25-803.

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

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

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

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

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

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

25-902.

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

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

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

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

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

5 [(4)] (2) before each renewal of the license, the owner or operator attests  
6 in a sworn statement that the gross receipts from food sales in the restaurant or hotel for  
7 the 12 months immediately before the application for renewal have been at least equal to  
8 40% of the gross receipts from the sale of food and alcoholic beverages.

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

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

12 (1) ~~provide for:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (3) contains:

7 (i) at least one passenger elevator;

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

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

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

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

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

18 25–1004.

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

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

23 (i) is used for art classes, banquets, community–related activities,  
24 exhibits, live performances, shows, theater productions, visual art shows, and weddings;  
25 and

26 (ii) has:

27 1. a minimum capacity of 200 individuals; and

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

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

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

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

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

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

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

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

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

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

23 25-1008.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 25–1409.

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

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

25                   **(2) A PHOTOGRAPH SUBMITTED UNDER PARAGRAPH (1) OF THIS**  
26 **SUBSECTION MAY BE A COPY OF A GOVERNMENT–ISSUED PHOTOGRAPH.**

27 ~~‡~~25–1609.

28           (a) The Board may not issue:

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

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

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

5 (2) a Class D license:

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

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

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

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

16 ~~(e)~~ This section does not apply to a drugstore or adjoining establishment that on  
17 July 1, 1969:

18 (1) held a Class D license; and

19 (2) had a door, an archway, an opening, or other passageway providing  
20 direct public access to any drugstore.†

21 25–1901.

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

24 (1) § 4–502 (“Storage of alcoholic beverages”);

25 (2) § 4–503 (“Solicitations and sales outside of licensed premises”);

26 (3) [§ 4–504 (“Employment of underage individuals”);

27 (4)] § 4–506 (“Evidence of purchaser’s age”); and

28 [(5)] (4) § 4–508 (“Display of license”).

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

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

3           (2)    § 4-505 (“Alcohol awareness program”), subject to §§ 25-1902 and  
4 25-1903 of this subtitle; and

5           [(2)] (3)   § 4-507 (“Retail delivery of alcoholic beverages”), subject to §  
6 25-1904 of this subtitle.

7 25-1904.

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

12           **(B)**    A license holder may not make an off-site retail delivery of alcoholic beverages  
13 unless:

14           (1)    the deliverer is at least[:

15                   (i)    21 years old; or

16                   (ii)   18 years old and is accompanied by a supervisor who is at least  
17 21 years old] **18 YEARS OLD;** and

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

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

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

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

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

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

28 25-2002.

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

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

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

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

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

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

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

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

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

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

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

17 25-2004.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (f) A holder of a Class H beer and wine license may sell beer and wine for  
17 on–premises consumption[:

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

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

21 25–2005.

22 (a) Reserved.

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

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

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

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

3 (iii) on Sunday:

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

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

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

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

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

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

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

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

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

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

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

26 (iii) on Sunday:

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

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

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

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

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

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

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

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

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

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

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 2 a.m. the following day].

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

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

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

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

27                   ~~(iii)   on Sunday:~~

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

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

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

~~25-2704.~~

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

~~25-2705.~~

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

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

~~(1) a habitual drunkard;~~

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

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

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

~~[25-2707.~~

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

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

~~[25-2708.~~

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

1 25-2709.

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

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

6 (2) alcoholic beverages may not be consumed.

7 (b) Subsection (a) of this section does not apply in the room of a registered guest  
8 in a hotel that meets the minimum requirements under [§ 6-201(q) of this article] §  
9 **25-904 OF THIS TITLE.**

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.