

Chapter 120

**(House Bill 148)**

AN ACT concerning

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

**MC 8–18**

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

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

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

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

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

**Article – Alcoholic Beverages**

4–1203.

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

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

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

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

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

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

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

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

4-1204.

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

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

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

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

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

25-102.

This title applies only in Montgomery County.

25-307.

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

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

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

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

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

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

(ii) a Class 2 wine and liquor license;

(iii) a Class 3 beer and wine license;

(iv) a Class 4 beer license; or

(v) a Class 5 wine license.

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

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

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

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

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

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

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

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

## 25-1301.

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

- (1) § 4-1202 (“Per diem licenses”);
- licenses”);
- [(2)] (2) § 4-1203 (“Class C per diem beer and Class C per diem beer and wine licenses”);
- (3) § 4-1204 (“Class C per diem beer, wine, and liquor license”);]
- [(4)] (2) § 4-1206 (“License to dispose of stock”);
- [(5)] (3) § 4-1207 (“Temporary move of licensed premises”);
- [(6)] (4) § 4-1208 (“Hours and days of sale”); and
- [(7)] (5) § 4-1209 (“Wine permit for fund-raising event”).

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

**(C) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

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

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

## 25-1302.

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

- (1) A COUNTY DEPARTMENT OF LIQUOR CONTROL WAREHOUSE;**
- (2) A DISPENSARY;**

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

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

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

**Approved by the Governor, April 10, 2018.**