

# HOUSE BILL 233

A2

2lr0432

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By: **Montgomery County Delegation**

Introduced and read first time: January 13, 2022

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Class 7 Micro–Brewery License**  
3 **and Licenses in the Town of Kensington**

4 **MC 07–22**

5 FOR the purpose of adding a holder of a Class D beer, wine, and liquor license to the list of  
6 license holders in Montgomery County eligible to be issued a Class 7 micro–brewery  
7 license by the Alcohol and Tobacco Commission; increasing the number of alcoholic  
8 beverages licenses that the Board of License Commissioners for Montgomery County  
9 is authorized to issue in the Town of Kensington; and generally relating to alcoholic  
10 beverages in Montgomery County.

11 BY repealing and reenacting, without amendments,  
12 Article – Alcoholic Beverages  
13 Section 25–102 and 25–1604(a)  
14 Annotated Code of Maryland  
15 (2016 Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Alcoholic Beverages  
18 Section 25–405 and 25–1604(c) and (g)  
19 Annotated Code of Maryland  
20 (2016 Volume and 2021 Supplement)

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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 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 25–102.

5 This title applies only in Montgomery County.

6 25–405.

7 (a) This section applies to a Class 7 micro–brewery (on– and off–sale) license in  
8 the county.

9 (b) The license may be issued to the holder of:

10 (1) a Class B beer, wine, and liquor (on–sale) license that is issued for use  
11 on the premises of a restaurant located in the county;

12 (2) subject to subsection (c) of this section, a Class D beer and wine license  
13 that is issued for the sale of beer and wine, at retail, at the place described in the license,  
14 for on– and off–premises consumption;

15 (3) a Class H beer and wine license that is issued for the sale of beer and  
16 wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises  
17 consumption; **[or]**

18 (4) a Class BD–BWL license that is issued for the sale of beer and wine for  
19 on– and off–premises consumption, and liquor for on–premises consumption, at the place  
20 described in the license; **OR**

21 **(5) A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT IS ISSUED**  
22 **FOR THE SALE OF BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION, AT**  
23 **THE PLACE DESCRIBED IN THE LICENSE.**

24 (c) The **[Comptroller] COMMISSION** may not issue more than an aggregate  
25 amount of two Class 7 micro–brewery licenses to holders of Class D beer and wine licenses  
26 in the Town of Kensington.

27 (d) A holder of the license shall enter into a written agreement with the Alcohol  
28 Beverage Services for the sale and resale of malt beverages brewed under the license.

29 (e) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a  
30 Class 7 micro–brewery license may:

1 (i) brew in two locations using the same Class 7 micro-brewery  
2 license; and

3 (ii) obtain a Class 2 rectifying license for the premises at the two  
4 locations authorized under item (i) of this paragraph.

5 (2) The holder of a Class 7 micro-brewery license may brew in two locations  
6 using the same Class 7 micro-brewery license if the license holder:

7 (i) requests permission by submitting a written application to the  
8 [Comptroller] COMMISSION; and

9 (ii) obtains written approval from the [Comptroller] COMMISSION.

10 (3) Before authorizing a holder of a Class 7 micro-brewery license to brew  
11 in two locations using the same Class 7 micro-brewery license, the [Comptroller]  
12 COMMISSION shall:

13 (i) make a determination that a second location to brew additional  
14 capacity is necessary due to insufficient space at the existing Class 7 license location; and

15 (ii) consider any other factor relevant to approval of the application.

16 (4) Notwithstanding any other provision of this article, a holder of a Class  
17 7 micro-brewery license may not serve or sell malt beverages for on- or off-premises  
18 consumption at the second brewing location authorized under this subsection.

19 25-1604.

20 (a) This section applies only to Kensington.

21 (c) (1) Subject to paragraph (2) of this subsection, the Board may issue, in  
22 aggregate, not more than [eight] 20 Class A-K (off-sale) beer and wine licenses.

23 (2) The Board, by majority vote, may issue one additional Class A-K beer  
24 and wine license if there is:

25 (i) a public hearing before the town council; and

26 (ii) a subsequent request made by the town council.

27 (3) A Class A-K beer and wine license holder may sell beer and wine for  
28 off-premises consumption Monday through Sunday, from 10 a.m. to 10 p.m.

29 (g) The Board may issue, in aggregate, not more than [eight] 20 licenses from  
30 among the following types:

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- 1           (1)    a Class B–K beer and wine license;
- 2           (2)    a Class B–K beer, wine, and liquor license;
- 3           (3)    a Class BD–BWL license;
- 4           (4)    a Class C beer and wine license;
- 5           (5)    a Class D–K beer license;
- 6           (6)    a Class D–K beer and wine license; and
- 7           (7)    a Class H beer and wine license.

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 9 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.