



# Montgomery County

## Office of Intergovernmental Relations

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**HB 377**

**DATE: February 17, 2020**

**SPONSOR: Montgomery County Delegation**

**ASSIGNED TO: Economic Matters**

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**POSITION: SUPPORT**

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### **Montgomery County – Alcoholic Beverages – Consumption Only Marketplace License MC 11-20**

House Bill 377 creates a consumption only marketplace license. This license will be issued to the developer of a commercial property and allow for the consumption of beer, wine, and liquor in a designated outdoor area located within the commercial shopping center. The commercial shopping center must: (1) encompass an area of at least 10 acres; (2) include at least one Class B, Class BD-BWL, or Class H license; and (3) contain a designated outdoor area for the consumption of alcoholic beverages. The alcoholic beverages must be purchased at an establishment that is: (1) located within the commercial shopping center; (2) has a Class B, Class BD-BWL, or Class H license; and (3) is contiguous to the designated outdoor area. The developer is required to include a description of the outdoor area and a list of the licensed establishments whose alcoholic beverages may be consumed in its application for the license.

Under current law, an individual may possess an alcoholic beverage in an open container while in the outside area of a retail establishment or shopping center if authorized by the owner of the establishment.

Virginia created a similar consumption only marketplace license in 2017 for its large commercial property owners. The “commercial lifestyle center” license requires that the property include “national specialty chain stores and a combination of dining, entertainment, office, residential or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly.” Alcohol Beverage Services has spoken with the Virginia Alcohol Beverage Control Authority, and the Authority reports that there have not been any issues with its consumption only marketplace license.

Montgomery County supports House Bill 377 with the amendments approved by the Montgomery County House Delegation. Those amendments (1) added a definition for “developer of commercial shopping center”; (2) required the developer to include a security plan approved by Montgomery County Police Department in the license application; and (3) required the alcoholic beverages to be served in containers branded with identifying marks of the seller.