

Marc Elrich
County Executive



BOARD OF LICENSE COMMISSIONERS

March 26, 2025

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Man Cho
Chair, Board of License Commissioners for Montgomery County

RE: House Bill 1229, *Montgomery County - Alcoholic Beverages Licenses - Health and Safety Regulations MC 21-25*

Oppose

I am writing to express the Board of License Commissioners for Montgomery County's opposition to House Bill 1229, *Montgomery County - Alcoholic Beverages Licenses - Health and Safety Regulations MC 21-25*.

House Bill 1229, as amended, requires the Board of License Commissioners for Montgomery County to consider the impact of the density of existing retail establishments licensed in the county to sell alcoholic beverages for off-premises consumption on the public health and safety of the community before deciding whether to approve an application and issue a new license permitting the sale of alcoholic beverages for off-premises consumption.

The Board of License Commissioners for Montgomery County believes that House Bill 1229 is duplicative of current State law, and, therefore, unnecessary. The charge of *all* local licensing boards is to carry out the State's policy to regulate and control alcohol "in the best public interest." Md. Code, Alcoholic Beverages, § 1- 201 (2025). Maryland Code Alcoholic Beverages § 4-210(a) (2025) provides the detail behind that charge, for licensing decisions.

Specifically:

(a) Before deciding whether to approve an application and issue a license, a local licensing board shall consider:

(1) the public need and desire for the license;

- (2) the number and location of existing license holders;
- (3) the potential effect on existing license holders of the license for which application is made;
- (4) the potential commonality or uniqueness of the services and products to be offered by the business of the applicant;
- (5) *the impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience;* and
- (6) any other factor that the local licensing board considers necessary.

As a Board, sitting in the capacity as a quasi-judicial entity, we take our charge very seriously. The feedback gathered from the public hearings that are held for each license application is never discounted. Public input is welcome and critical to our decision-making process. We are also keenly aware that that our decisions can be appealed to the circuit court and must be defensible.

Our last concern relates to the inclusion of additional criteria that is not well-defined. Therefore, the language would be subject to interpretation by the Board, and by those who may want to challenge a Board decision on that basis.

Additionally, at the request of the sponsor, the Board will be enhancing its routine training programs, to include sessions with public health professionals about the impacts of alcohol outlet density on the public health and safety of the community.

For these reasons, as you consider whether to advance this bill, we hope you will take seriously our views, particularly the redundancy and lack of clarity that House Bill 1229 brings to the well-established statutory requirements that all boards must consider when issuing a license to sell alcohol.

cc: Members of the Finance Committee