

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 1064  
Economic Matters

(Montgomery County Delegation)

Education, Health, and Environmental Affairs

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**Montgomery County - Sale of Alcoholic Beverages - Distance From Places of  
Worship, Schools, and Youth Centers**  
**MC 18-16**

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This bill authorizes the Montgomery County Board of License Commissioners to issue an alcoholic beverages license to an establishment in the county, regardless of its distance from a place of worship, elementary or secondary school, or youth center sponsored or operated by a governmental unit. Specifically, the bill repeals the provisions that prohibit the issuance of an alcoholic beverage license to an establishment unless the distance requirements are met.

The bill takes effect July 1, 2016.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** To the extent that the bill results in additional applications for and issuance of alcoholic beverages licenses, Montgomery County revenues increase due to applicable filing and annual licensing fees. Any such increase is likely minimal. Monitoring of any additional licenses can be handled using existing resources.

**Small Business Effect:** Minimal overall, but potentially meaningful for any applicant no longer subject to the distance restrictions.

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## Analysis

**Current Law/Background:** Generally, the Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any (1) secondary or elementary school; (2) place of worship; or (3) youth center sponsored or conducted by any governmental agency. However, by majority vote, the Montgomery County Board of License Commissioners may issue a license for use at a location more than 300 feet from an elementary or secondary school, place of worship, or youth center sponsored or conducted by a governmental agency under specified conditions.

The limitation regarding distance does not apply to, affect, or prohibit the renewal, transfer, or reissuance of an alcoholic beverages license that was issued before a school, place of worship, or youth center was erected within 750 feet of the licensed premises. This restriction also does not apply to a special culinary school license that may be issued for use on the premises of a private culinary educational institution.

In specified towns and geographic locations in Montgomery County, instead of meeting the 750-foot requirement, the issuance of a license must not adversely affect any nearby schools, places of worship, youth centers, or the nearest residential community. Such a license may only be issued if the board votes unanimously to do so. Furthermore, an alcoholic beverages license issued to a restaurant in a specified geographic location in Gaithersburg is required to be at least 275 feet, instead of 750 feet, from any place of worship.

A fee of \$600 must be submitted with each application for an alcoholic beverages license in Montgomery County. Annual license fees vary depending on the type of license but generally range from \$400 to \$2,500. In fiscal 2015, there were 1,009 alcoholic beverages licenses issued for use in Montgomery County.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2016  
kb/hlb Revised - House Third Reader - March 17, 2016

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