

HOUSE BILL 148

A2

8lr0431

By: **Montgomery County Delegation**

Introduced and read first time: January 17, 2018

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2018

CHAPTER _____

1 AN ACT concerning

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

3 **MC 8–18**

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

8 BY repealing and reenacting, without amendments,
9 Article – Alcoholic Beverages
10 Section 4–1203, 4–1204, 25–102, and 25–307
11 Annotated Code of Maryland
12 (2016 Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Alcoholic Beverages
15 Section 25–1301
16 Annotated Code of Maryland
17 (2016 Volume and 2017 Supplement)

18 BY adding to
19 Article – Alcoholic Beverages
20 Section 25–1302
21 Annotated Code of Maryland

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 (2016 Volume and 2017 Supplement)

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

4 **Article – Alcoholic Beverages**

5 4–1203.

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

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

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

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

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

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

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

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

23 4–1204.

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

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

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

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

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

3 25–102.

4 This title applies only in Montgomery County.

5 25–307.

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

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

8 (i) the Department has a monopoly on the wholesale distribution of
9 beer, wine, and liquor and retail distribution of off-sale liquor in the county, subject to §
10 1–309 of this article; and

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

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

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

16 (ii) a Class 2 wine and liquor license;

17 (iii) a Class 3 beer and wine license;

18 (iv) a Class 4 beer license; or

19 (v) a Class 5 wine license.

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

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

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

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

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

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

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

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

12 25–1301.

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

15 (1) § 4–1202 (“Per diem licenses”);

16 [(2) § 4–1203 (“Class C per diem beer and Class C per diem beer and wine
17 licenses”);

18 (3) § 4–1204 (“Class C per diem beer, wine, and liquor license”);]

19 [(4) (2) § 4–1206 (“License to dispose of stock”);

20 [(5) (3) § 4–1207 (“Temporary move of licensed premises”);

21 [(6) (4) § 4–1208 (“Hours and days of sale”); and

22 [(7) (5) § 4–1209 (“Wine permit for fund–raising event”).

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

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

27 **(1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER
28 AND WINE LICENSES”), SUBJECT TO § 25–1302 OF THIS SUBTITLE; AND**

1 (2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR
2 LICENSE”), SUBJECT TO § 25-1302 OF THIS SUBTITLE.

3 25-1302.

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

7 (1) A COUNTY DEPARTMENT OF LIQUOR CONTROL WAREHOUSE;

8 (2) A DISPENSARY;

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.