

HOUSE BILL 860

A2

0lr0654

By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Town of Kensington**

3 **MC 15–20**

4 FOR the purpose of authorizing, in the Town of Kensington in Montgomery County, the
5 Board of License Commissioners for Montgomery County to renew, approve the
6 transfer of, and otherwise provide for certain licenses; repealing a limitation on the
7 number of a certain license that the Board may issue in the Town of Kensington;
8 altering the number of Class A–K beer and wine licenses the Board may issue;
9 authorizing the issuance of not more than a certain number of Class 9 limited
10 distillery licenses for use in the town; authorizing the Board to alter the number of
11 Class A–K license holders under certain circumstances; expanding the hours of sale
12 for Class A–K license holders; specifying an annual fee for certain licenses; requiring
13 that certain license holders maintain a percentage of daily sales from food;
14 prohibiting certain license holders from posting certain signage; and generally
15 relating to alcoholic beverages in Montgomery County.

16 BY repealing and reenacting, without amendments,

17 Article – Alcoholic Beverages

18 Section 25–102

19 Annotated Code of Maryland

20 (2016 Volume and 2019 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Alcoholic Beverages

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 25–406, 25–1307(a), and 25–1604
 2 Annotated Code of Maryland
 3 (2016 Volume and 2019 Supplement)

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

6 **Article – Alcoholic Beverages**

7 25–102.

8 This title applies only in Montgomery County.

9 25–406.

10 A holder of a Class B beer, wine, and liquor (on–sale) license, **A CLASS B–K BEER,**
 11 **WINE, AND LIQUOR LICENSE,** or a Class D beer, wine, and liquor (on–sale) license may be
 12 issued a Class 9 limited distillery license to sell the distilled products that the holder
 13 manufactures for on– and off–premises consumption.

14 25–1307.

15 (a) [(1)] There is a beer and wine tasting (BWT) license in the Town of
 16 Kensington.

17 [(2) The Board may issue not more than three beer and wine tasting licenses
 18 in the Town of Kensington.]

19 25–1604.

20 (a) This section applies only to Kensington.

21 (b) [(1) The] **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
 22 **Board may issue, RENEW, APPROVE THE TRANSFER OF, AND OTHERWISE PROVIDE**
 23 **FOR:**

24 [(i)] **(1)** a 2–day on–sale beer and wine license or a 2–day on–sale
 25 beer, wine, and liquor license to a [religious, fraternal, civic, or charitable organization]
 26 **PERSON** holding an event **BETWEEN THE HOURS OF 10 A.M. TO 10:30 P.M. FOR WHICH**
 27 **THE TOWN HAS ISSUED A PERMIT** on [municipal] property [located at 3710 Mitchell
 28 Street] **OWNED OR CONTROLLED BY THE TOWN OR ON PRIVATE COMMERCIALY**
 29 **ZONED PROPERTY; [and]**

30 **(2) BEER AND WINE TASTING (BWT) LICENSES, AS PROVIDED IN §**
 31 **25–1306 OF THIS TITLE;**

1 **(3) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, A**
2 **CLASS A–K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO**
3 **SELL BEER OR WINE FOR OFF–PREMISES CONSUMPTION;**

4 [(ii) a Class B–K beer and wine license or a Class B–K beer, wine,
5 and liquor license for use on the site of a restaurant in the following commercial areas:

6 1. the west side of Connecticut Avenue between Knowles
7 Avenue and Perry Avenue;

8 2. the east side of Connecticut Avenue between Knowles
9 Avenue and Dupont Street and between University Boulevard and Perry Avenue;

10 3. the west side of University Boulevard West;

11 4. Dupont Avenue, west of Connecticut Avenue;

12 5. Plyers Mill Road, west of Metropolitan Avenue;

13 6. Summit Avenue between Knowles Avenue and Howard
14 Avenue;

15 7. Detrick Avenue between Knowles Avenue and Howard
16 Avenue;

17 8. the southwest side of Metropolitan Avenue between North
18 Kensington Parkway and Plyers Mill Road;

19 9. East Howard Avenue;

20 10. Armory Avenue between Howard Avenue and Knowles
21 Avenue;

22 11. Montgomery Avenue between Howard Avenue and
23 Kensington Parkway;

24 12. Kensington Parkway and Frederick Avenue, from
25 Montgomery Avenue to Silver Creek; or

26 13. the east side of Connecticut Avenue between Warner
27 Street and Knowles Avenue.]

28 **(4) A CLASS B–K BEER AND WINE LICENSE THAT AUTHORIZES THE**
29 **LICENSE HOLDER TO SELL BEER OR WINE AT A HOTEL OR RESTAURANT, AT THE**
30 **PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION;**

1 ~~[(2)]~~ **(5)** **[A] A Class B–K beer, wine, and liquor license [or a Class B–K**
 2 **beer and wine license] THAT authorizes the LICENSE holder to [keep for sale and] sell**
 3 **[alcoholic beverages for on–premises] BEER, WINE, AND LIQUOR AT A HOTEL OR**
 4 **RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND**
 5 **OFF–PREMISES consumption[.];**

6 ~~[(3)]~~ A license holder shall maintain average daily receipts from the sale of
 7 food, not including carryout food, of at least 40% of the overall average daily receipts.]

8 **(6)** **IN ACCORDANCE WITH § 25–903 OF THIS TITLE, A CLASS BD–BWL**
 9 **BEER, WINE, AND LIQUOR LICENSE;**

10 **(7)** **A CLASS C BEER AND WINE LICENSE THAT AUTHORIZES THE**
 11 **LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE**
 12 **LICENSE, TO MEMBERS OF A PRIVATE SOCIAL CLUB AND GUESTS OF MEMBERS, FOR**
 13 **ON–PREMISES CONSUMPTION;**

14 **(8)** **A CLASS D–K BEER LICENSE THAT AUTHORIZES THE LICENSE**
 15 **HOLDER TO SELL BEER, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND**
 16 **OFF–PREMISES CONSUMPTION;**

17 **(9)** **A CLASS D–K BEER AND WINE LICENSE THAT AUTHORIZES THE**
 18 **LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE**
 19 **LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION;**

20 **(10)** **A CLASS H BEER AND WINE LICENSE THAT AUTHORIZES THE**
 21 **LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT THE**
 22 **PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION;**

23 ~~**(11)** **A CLASS 9 LIMITED DISTILLERY LICENSE TO SELL THE DISTILLED**~~
 24 ~~**PRODUCTS THAT THE HOLDER MANUFACTURES FOR ON– AND OFF–PREMISES**~~
 25 ~~**CONSUMPTION;**~~

26 ~~**(12)** **A CLASS 3 WINERY LICENSE TO SELL WINE THAT THE HOLDER**~~
 27 ~~**MANUFACTURES FOR ON– AND OFF–PREMISES CONSUMPTION;**~~

28 ~~**(13)** **A CLASS 6 LIMITED WINE WHOLESALEER’S LICENSE;**~~

29 ~~**(14)** **A CLASS 7 LIMITED BEER WHOLESALEER’S LICENSE;**~~

30 ~~**(15)**~~ **(11)** **IN ACCORDANCE WITH § 4–1102 OF THIS ARTICLE, THE**
 31 **CONSUMPTION OF WINE NOT PURCHASED FROM THE LICENSE HOLDER ON A**
 32 **LICENSED PREMISES;**

1 ~~(16)~~ (12) IN ACCORDANCE WITH § 4-1103 OF THIS ARTICLE, THE
2 REMOVAL OF A PARTIALLY CONSUMED BOTTLE OF WINE FROM A LICENSED
3 PREMISES;

4 ~~(17)~~ (13) IN ACCORDANCE WITH § 25-1002 OF THIS TITLE, A BEAUTY
5 SALON LICENSE;

6 ~~(18)~~ (14) IN ACCORDANCE WITH § 25-1005 OF THIS TITLE, A
7 CONTINUING CARE RETIREMENT COMMUNITY LICENSE;

8 ~~(19)~~ (15) IN ACCORDANCE WITH § 25-1007 OF THIS TITLE, A COUNTRY
9 CLUB LICENSE;

10 ~~(20)~~ (16) IN ACCORDANCE WITH § 25-1009 OF THIS TITLE, A
11 FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE;

12 ~~(21)~~ (17) IN ACCORDANCE WITH § 25-1014 OF THIS TITLE, A
13 VETERANS' ORGANIZATION OR CLUB LICENSE;

14 ~~(22)~~ (18) IN ACCORDANCE WITH § 25-1103 OF THIS TITLE, A
15 REFILLABLE CONTAINER PERMIT FOR DRAFT BEER FOR CLASS D-K LICENSE; AND

16 ~~(23)~~ (19) IN ACCORDANCE WITH § 25-1104 OF THIS TITLE, A
17 REFILLABLE CONTAINER PERMIT FOR WINE FOR CLASS D-K LICENSE.

18 (c) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
19 Board may issue[:],

20 (i) in aggregate, not more than [four] EIGHT Class A-K (off-sale)
21 beer and wine licenses[, Class D-K beer licenses and Class D-K beer and wine licenses for
22 use in the commercial areas specified in subsection (b)(1)(ii) of this section; and

23 (ii) subject to § 25-1306 of this title, not more than three beer and
24 wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.

25 (2) A Class A-K beer and wine license authorizes the holder to keep for
26 sale and sell beer or wine for off-premises consumption 7 days a week, from 10 a.m. to 8
27 p.m. daily.

28 (3) A holder of a Class A-K beer and wine license, a Class D-K beer license,
29 and a Class D-K beer and wine license may not, on a side, door, or window of the building
30 of the licensed premises, place a sign or other display that advertises alcoholic beverages
31 in a publicly visible location].

1 **(2) THE BOARD, BY MAJORITY VOTE, MAY ISSUE ONE ADDITIONAL**
2 **CLASS A–K BEER AND WINE LICENSE IF THERE IS:**

3 **(I) A PUBLIC HEARING BEFORE THE TOWN COUNCIL; AND**

4 **(II) A SUBSEQUENT REQUEST MADE BY THE TOWN COUNCIL.**

5 **(3) A CLASS A–K BEER AND WINE LICENSE HOLDER MAY SELL BEER**
6 **AND WINE FOR OFF–PREMISES CONSUMPTION MONDAY THROUGH SUNDAY, FROM**
7 **10 A.M. TO 10 P.M.**

8 **(D) (1) A CLASS 9 LIMITED DISTILLERY LICENSE MAY BE ISSUED TO A**
9 **CLASS B–K BEER, WINE, AND LIQUOR LICENSE HOLDER.**

10 **(2) NOT MORE THAN FOUR CLASS 9 LIMITED DISTILLERY LICENSES,**
11 **IN AGGREGATE, MAY BE ISSUED.**

12 **[(4)] (E) The annual license fee FOR EACH CLASS OF LICENSE IS**
13 **EQUAL TO THE FEE REQUIRED BY THE COUNTY FOR A COMPARABLE LICENSE.**

14 **(F) THE HOLDER OF A CLASS B–K BEER AND WINE LICENSE, A CLASS B–K**
15 **BEER, WINE, AND LIQUOR LICENSE, OR A CLASS H BEER AND WINE LICENSE SHALL**
16 **MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT INCLUDING**
17 **CARRYOUT FOOD, OF AT LEAST 40% OF THE OVERALL AVERAGE DAILY RECEIPTS.**

18 **(G) THE BOARD MAY ISSUE, IN AGGREGATE, NOT MORE THAN EIGHT**
19 **LICENSES FROM AMONG THE FOLLOWING TYPES:**

20 **(1) A CLASS B–K BEER AND WINE LICENSE;**

21 **(2) A CLASS B–K BEER, WINE, AND LIQUOR LICENSE;**

22 **(3) A CLASS BD–BWL LICENSE;**

23 **(4) A CLASS C BEER AND WINE LICENSE;**

24 **(5) A CLASS D–K BEER LICENSE;**

25 **(6) A CLASS D–K BEER AND WINE LICENSE; AND**

26 **(7) A CLASS H BEER AND WINE LICENSE.**

27 **(H) A LICENSE HOLDER WHOSE LICENSED PREMISES IS LOCATED IN THE**
28 **TOWN OF KENSINGTON MAY NOT, ON A FRONT, REAR, SIDE, DOOR, OR WINDOW OF**

1 THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT
2 ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.