

Chapter 745

(House Bill 233)

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Class 7 Micro–Brewery License
and Licenses in the Town of Kensington**

MC 07–22

FOR the purpose of adding a holder of a Class D beer, wine, and liquor license to the list of license holders in Montgomery County eligible to be issued a Class 7 micro–brewery license by the Alcohol and Tobacco Commission; increasing the number of alcoholic beverages licenses that the Board of License Commissioners for Montgomery County is authorized to issue in the Town of Kensington; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 25–102 and 25–1604(a)
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 25–405 and 25–1604(c) and (g)
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

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

Article – Alcoholic Beverages

25–102.

This title applies only in Montgomery County.

25–405.

(a) This section applies to a Class 7 micro–brewery (on– and off–sale) license in the county.

(b) The license may be issued to the holder of:

(1) a Class B beer, wine, and liquor (on–sale) license that is issued for use on the premises of a restaurant located in the county;

(2) subject to subsection (c) of this section, a Class D beer and wine license that is issued for the sale of beer and wine, at retail, at the place described in the license, for on– and off–premises consumption;

(3) a Class H beer and wine license that is issued for the sale of beer and wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises consumption; [or]

(4) a Class BD–BWL license that is issued for the sale of beer and wine for on– and off–premises consumption, and liquor for on–premises consumption, at the place described in the license; **OR**

(5) A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT IS ISSUED FOR THE SALE OF BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION, AT THE PLACE DESCRIBED IN THE LICENSE.

(c) The [Comptroller] **COMMISSION** may not issue more than an aggregate amount of two Class 7 micro–brewery licenses to holders of Class D beer and wine licenses in the Town of Kensington.

(d) A holder of the license shall enter into a written agreement with the Alcohol Beverage Services for the sale and resale of malt beverages brewed under the license.

(e) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the holder of a Class 7 micro–brewery license may:

(i) brew in two locations using the same Class 7 micro–brewery license; and

(ii) obtain a Class 2 rectifying license for the premises at the two locations authorized under item (i) of this paragraph.

(2) The holder of a Class 7 micro–brewery license may brew in two locations using the same Class 7 micro–brewery license if the license holder:

(i) requests permission by submitting a written application to the [Comptroller] **COMMISSION**; and

(ii) obtains written approval from the [Comptroller] **COMMISSION**.

(3) Before authorizing a holder of a Class 7 micro-brewery license to brew in two locations using the same Class 7 micro-brewery license, the [Comptroller] COMMISSION shall:

- (i) make a determination that a second location to brew additional capacity is necessary due to insufficient space at the existing Class 7 license location; and
- (ii) consider any other factor relevant to approval of the application.

(4) Notwithstanding any other provision of this article, a holder of a Class 7 micro-brewery license may not serve or sell malt beverages for on- or off-premises consumption at the second brewing location authorized under this subsection.

25-1604.

(a) This section applies only to Kensington.

(c) (1) Subject to paragraph (2) of this subsection, the Board may issue, in aggregate, not more than [eight] 20 Class A-K (off-sale) beer and wine licenses.

(2) The Board, by majority vote, may issue one additional Class A-K beer and wine license if there is:

- (i) a public hearing before the town council; and
- (ii) a subsequent request made by the town council.

(3) A Class A-K beer and wine license holder may sell beer and wine for off-premises consumption Monday through Sunday, from 10 a.m. to 10 p.m.

(g) The Board may issue, in aggregate, not more than [eight] 20 licenses from among the following types:

- (1) a Class B-K beer and wine license;
- (2) a Class B-K beer, wine, and liquor license;
- (3) a Class BD-BWL license;
- (4) a Class C beer and wine license;
- (5) a Class D-K beer license;
- (6) a Class D-K beer and wine license; and
- (7) a Class H beer and wine license.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.