

HOUSE BILL 316

A2

5lr0917

By: **Montgomery County Delegation**

Introduced and read first time: February 5, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Licenses in Takoma Park**

3 **MC 29–15**

4 FOR the purpose of altering the name of certain licenses that were issued in a certain
5 portion of the City of Takoma Park that was formerly part of Prince George’s County;
6 repealing a prohibition against the issuance of a certain license in the Town of
7 Takoma Park; repealing certain obsolete language; and generally relating to
8 alcoholic beverages licenses issued to licensed premises that were located in the
9 portion of the City of Takoma Park that was formerly part of Prince George’s County.

10 BY repealing and reenacting, with amendments,
11 Article 2B – Alcoholic Beverages
12 Section 5–401(q), 6–201(q)(2), and 8–216(d)
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2014 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article 2B – Alcoholic Beverages
17 Section 6–101(q) and 6–201(q)(1)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2014 Supplement)

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

22 **Article 2B – Alcoholic Beverages**

23 5–401.

24 (q) (1) This subsection applies only in Montgomery County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) (i) For a Class D license, the annual license fee is \$400.
- 2 (ii) 1. The Board of License Commissioners may issue a refillable
3 container permit to a holder of a Class D beer and light wine license issued by the Board of
4 License Commissioners:
- 5 A. On completion of an application form that the Board
6 provides; and
- 7 B. At no cost to the Class D license holder.
- 8 2. A refillable container permit may be renewed each year
9 concurrently with the renewal of a Class D beer and light wine license.
- 10 (iii) A refillable container permit entitles the holder to sell draft beer
11 for consumption off the licensed premises in a refillable container that:
- 12 1. Has a capacity of not less than 32 ounces and not more
13 than 128 ounces; and
- 14 2. Meets the requirements under subparagraph (iv) of this
15 paragraph.
- 16 (iv) To be used as a refillable container under subparagraph (iii) of
17 this paragraph, a container shall meet the standards under § 21–107 of this article.
- 18 (v) The term of and hours of sale for a refillable container permit
19 issued under this subsection are as specified for the permit holder’s Class D beer and light
20 wine license.
- 21 (vi) A holder of a refillable container permit may refill only a
22 refillable container that meets the standards under § 21–107 of this article.
- 23 (vii) The Board of License Commissioners may adopt regulations to
24 implement the provisions of this subsection relating to the issuance of a refillable container
25 permit.
- 26 (3) [(i) For a Class D–TP license, the annual license fee is \$400.
- 27 (ii) A Class D–TP licensee may not be charged for such a license until
28 May 1, 1998.
- 29 (4)] (i) In this paragraph, “establishment” means a bowling alley,
30 billiard hall, or drugstore or a restaurant located within these businesses.

1 (ii) The license may not be issued to, or for use in conjunction with,
2 or upon the premises of any establishment, or for use upon any premises which has a door,
3 archway, opening or other passageway providing direct public access to any establishment.

4 (iii) These restrictions which prohibit the issuance of licenses to
5 drugstores or premises adjoining them are not applicable to any establishment which on
6 July 1, 1969, holds an alcoholic beverage license and which on July 1, 1969, has a door,
7 archway, opening or other passageway providing direct public access to any drugstore.

8 [(5) The Board shall issue one Class D-TP license to a person who, on June
9 30, 1997, both held a Class D beer and light wine license and operated a licensed premises
10 that was located in that portion of the City of Takoma Park that was formerly part of Prince
11 George's County.]

12 6-101.

13 (q) (1) This subsection applies only in Montgomery County.

14 (2) The only Class A license that is available in the county is a Class A-TP
15 7-day license.

16 (3) The annual license fee for a Class A-TP license is the same as for a
17 license issued pursuant to subsection (r) of this section. Class A-TP licensees may not be
18 charged for such a license until May 1, 1998.

19 (4) The Board shall issue a Class A-TP license to any person who on June
20 30, 1997, both held a Class A beer, wine and liquor license and operated a Class A business
21 where the licensed premises were located in that portion of the City of Takoma Park that
22 was formerly part of Prince George's County.

23 (5) Unless revoked or not renewed for good cause, the license shall continue
24 and be renewed, subject to payment of the annual license fee. The license is not transferable
25 to any other location, but the license may be transferred to another person at any time,
26 subject to the restrictions on similar transfers for other alcoholic beverages licenses in
27 Montgomery County.

28 (6) The Board shall promulgate regulations that govern the sale of
29 alcoholic beverages by a Class A-TP licensee. These regulations shall include the hours for
30 sale.

31 6-201.

32 (q) (1) (i) This subsection applies only in Montgomery County.

33 (ii) 1. In this subsection the following words have the meanings
34 indicated.

1 (iv) The annual license fee is \$2,500.

2 8-216.

3 (d) [(1)] The Montgomery County Board of License Commissioners may issue,
4 renew, and transfer and otherwise provide for 8 classes of alcoholic beverages licenses in
5 the City of Takoma Park as follows:

6 [(i)] (1) Class B (on- and off-sale) beer and light wine, hotel and
7 restaurant licenses;

8 [(ii)] (2) Class H (on-sale) beer and light wine, hotel and
9 restaurant licenses;

10 [(iii)] (3) Class B (on-sale) beer, wine and liquor, hotel and
11 restaurant licenses;

12 [(iv)] (4) Class [H-TP] H (on-sale) beer license;

13 [(v)] (5) Class [D-TP] D (on- and off-sale) beer and light wine
14 license;

15 [(vi)] (6) Class A-TP (off-sale) beer, wine and liquor license;

16 [(vii)] (7) Class [C-TP] C (on-sale) beer, wine and liquor license;
17 and

18 [(viii)](8) Beer and wine sampling or tasting (BWST) licenses issued
19 under § 8-408.3 of this title.

20 [(2) (i) The provisions of this paragraph apply only to Class -TP type
21 licenses.

22 (ii) The Prince George's County Board of License Commissioners
23 shall certify a list to the Montgomery County Board of License Commissioners of the
24 alcoholic beverages licenses as of June 30, 1997, in that portion of the City of Takoma Park
25 that became part of Montgomery County on July 1, 1997.

26 (iii) On July 1, 1997, the Montgomery County Board shall issue Class
27 -TP type licenses to those licensees who were certified by the Prince George's County
28 Board. License fees may not be charged until May 1, 1998.

29 (iv) Unless revoked or not renewed for good cause, the certified
30 licenses shall continue in existence and be renewed, subject to payment of the annual
31 license fee.

1 (v) The Class –TP type licenses are not transferable to other
2 locations but are transferable to other persons, subject to the restrictions on similar
3 transfers for other alcoholic beverages licenses in Montgomery County.

4 (vi) Class –TP licenses are subject to the same conditions and
5 restrictions specified by law or by the Montgomery County Board of License Commissioners
6 as are other licenses issued by the Board. However, the Board may waive whatever
7 statutory and regulatory provisions it so chooses for the affected licenses so that equity,
8 fairness, and reasonableness are achieved.

9 (vii) The Montgomery County Department of Health and Human
10 Services may not charge an annual fee to the Class –TP licensees until January 1, 1998.

11 (3) (i) Notwithstanding that Class –TP licensees as of July 1, 1997 are
12 subject to Montgomery County laws and regulations, those same licensees may retain the
13 particular Prince George’s County alcoholic beverages license they possessed prior to
14 unification.

15 (ii) The Prince George’s County license shall remain valid in every
16 sense except that it does not apply to the licensed premises to which the Class –TP license
17 applies, but is an open–location license. The Prince George’s County licensee may transfer,
18 to another person or to a new location with the same licensee, the license into Prince
19 George’s County without statutory or regulatory restriction.

20 (iii) While the Class –TP licensee remains in the same location where
21 it was located on July 1, 1997, another license issued by Prince George’s County may not
22 be granted or transferred to another Prince George’s licensee if the premises for which that
23 license was issued is located within 300 feet of the premises licensed under the Class –TP
24 license.]

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2015.