

Bill No.: _____

Requested: _____

Committee: _____

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Dispensaries in Retail Grocery**
3 **Stores**

4 **MC 16–18**

5 FOR the purpose of authorizing in Montgomery County the establishment of a dispensary
6 in a retail grocery store under certain conditions; and generally relating to the sale
7 of alcoholic beverages in Montgomery County.

8 BY repealing and reenacting, without amendments,
9 Article – Alcoholic Beverages
10 Section 25–102 and 25–301
11 Annotated Code of Maryland
12 (2016 Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Alcoholic Beverages
15 Section 25–310
16 Annotated Code of Maryland
17 (2016 Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Alcoholic Beverages**

3 25–102.

4 This title applies only in Montgomery County.

5 25–301.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) “Department” means the County Department of Liquor Control.

8 (c) “Director” means the Director of the Department.

9 (d) “Dispensary” means a store established and maintained by the Department
10 for the sale of alcoholic beverages.

11 25–310.

12 (a) **(1)** With the approval of the County Executive, the Director may establish
13 a dispensary at one or more locations that the Director determines, **INCLUDING IN A**
14 **RETAIL GROCERY STORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS**
15 **SUBSECTION.**

16 **(2) A DISPENSARY MAY BE LOCATED IN A RETAIL GROCERY STORE**
17 **ONLY IF:**

18 **(I) THE RETAIL GROCERY STORE CONTAINS AT LEAST 10,000**
19 **SQUARE FEET OF FLOOR SPACE;**

20 **(II) THE DISPENSARY IS SEPARATED FROM THE MAIN PORTION**
21 **OF THE RETAIL GROCERY STORE BY A BARRIER THAT ALLOWS CUSTOMERS TO**
22 **ENTER AND LEAVE THE DISPENSARY THROUGH ONLY ONE PASSAGEWAY; AND**

23 **(III) A CUSTOMER IS ALLOWED TO PAY FOR ALCOHOLIC**
24 **BEVERAGES ONLY IN THE DISPENSARY AND NOT IN THE MAIN PORTION OF THE**

1 **RETAIL GROCERY STORE.**

2 (b) (1) The Department may sell its inventory through:

3 (i) dispensaries selling at wholesale and retail; and

4 (ii) subject to subsection (c) of this section, retail outlets operated by
5 individuals with whom the Department contracts.

6 (2) Notwithstanding any other law, the Director may sell at wholesale or
7 retail alcoholic beverages in whole cases or in individual bottles through dispensaries to a
8 license holder in the county.

9 (3) The Department may not sell alcoholic beverages at different prices to
10 different license holders or classes of license holders.

11 (c) (1) The Director may not contract with a person to operate:

12 (i) a dispensary; or

13 (ii) except as provided in paragraph (2) of this subsection, a retail
14 outlet for the sale of beer, wine, and liquor.

15 (2) The Director may enter into a contract with a person to operate a retail
16 outlet for the sale of liquor for off-premises consumption if the person holds any license for
17 off-premises consumption or for on- and off-premises consumption.

18 (3) The Department shall establish criteria for contracting with retail
19 outlets.

20 (d) A dispensary:

21 (1) may sell only:

22 (i) except as provided for in subsection (e) of this section, for
23 off-premises consumption, nonchilled beer, wine, and liquor;

24 (ii) ice;

1 (iii) bottled water; and

2 (iv) items commonly associated with the serving or consumption of
3 alcoholic beverages, including bottle openers, corkscrews, drink mixes, and lime juice; and

4 (2) may not sell snack foods or soft drinks.

5 (e) (1) A dispensary may sell any product in the dispensary's inventory for the
6 purpose of:

7 (i) holding tastings of beer, wine, and liquor on the premises of the
8 dispensary only;

9 (ii) serving, for tasting, beer, wine, and liquor; and

10 (iii) allowing the consumption of beer, wine, and liquor by an
11 individual for tasting in a quantity of not more than:

12 1. one-half ounce from each offering of liquor;

13 2. 1.5 ounces from all offerings of liquor in a day;

14 3. 1 ounce from each offering of wine;

15 4. 4 ounces from all offerings of wine in a day;

16 5. 3 ounces from each offering of beer; and

17 6. 12 ounces from all offerings of beer in a day.

18 (2) Once opened, a bottle used for beer, wine, or liquor tasting shall be
19 marked that it is to be used for that purpose only.

20 (f) The Department may sell or deliver alcoholic beverages to a retail license
21 holder from 6 a.m. to midnight on every day except Sunday.

22 (g) A manager of a dispensary, an individual who contracts to operate a retail

1 outlet as authorized under subsection (c) of this section, or an employee of a dispensary or
2 retail outlet who commits a prohibited act related to the sale or providing of alcoholic
3 beverages to individuals under the age of 21 years under this article or the Criminal Law
4 Article is subject to:

5 (1) any penalty authorized by law, including a civil citation issued under §
6 10–119 of the Criminal Law Article; and

7 (2) a fine and suspension or revocation of employment by the Board in the
8 same manner as a license holder or employee of a license holder would be subject to a fine
9 and suspension or revocation of the license for the violation.

10 (h) Title 4, Subtitle 2 of this article does not apply to this section.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2018.