

Bill No.: _____
Requested: _____
Committee: _____

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Food Sales Requirements and**
3 **Hours and Days of Sale**

4 **MC 5–18**

5 FOR the purpose of repealing certain provisions of law that require a holder of a Class
6 BD–BWL or Class D beer, wine, and liquor license in Montgomery County to
7 maintain a certain ratio of gross receipts from the sale of food to gross receipts from
8 the sale of alcoholic beverages during certain hours on certain days; altering the
9 content of certain sworn statements of holders of certain licenses relating to the
10 availability of certain food during certain hours; requiring the Montgomery County
11 Board of License Commissioners to adopt certain regulations; repealing the
12 authority of the Board to revoke certain alcoholic beverages licenses under certain
13 circumstances; altering the hours and days of sale of a holder of a Class BD–BWL
14 license; making a stylistic change; and generally relating to the sale of alcoholic
15 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 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Alcoholic Beverages
3 Section 25–903, 25–906, and 25–2005(f) and (i)
4 Annotated Code of Maryland
5 (2016 Volume and 2017 Supplement)

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

8 **Article – Alcoholic Beverages**

9 25–102.

10 This title applies only in Montgomery County.

11 25–903.

12 (a) There is a Class BD–BWL license.

13 (b) The license authorizes the license holder to sell:

14 (1) beer and wine for on– or off–premises consumption; and

15 (2) liquor for on–premises consumption.

16 (c) As a prerequisite for the initial issuance of the license, the owner of the
17 establishment shall attest in a sworn statement that [gross receipts from food sales will be
18 at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

19 (1) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday,
20 Friday, and Saturday; and

21 (2) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE FOR**
22 **SALE FOR ON–PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC**
23 **BEVERAGES ARE PERMITTED TO BE SERVED.**

24 (d) As a prerequisite for each renewal of the license, the owner of the

1 establishment shall attest in a sworn statement that [gross receipts from food sales for the
2 12-month period immediately preceding the application for renewal have been at least
3 equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

4 (1) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday,
5 Friday, and Saturday; and

6 (2) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE FOR**
7 **SALE FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC**
8 **BEVERAGES ARE PERMITTED TO BE SERVED.**

9 (e) (1) The Board by regulation shall provide for periodic inspection of the
10 premises and [for audits to determine the ratio of gross receipts from the sale of food to
11 gross receipts from the sale of alcoholic beverages] **SPECIFY THE TYPE OF FOOD THAT IS**
12 **REQUIRED TO BE AVAILABLE FOR SALE FOR ON-PREMISES CONSUMPTION DURING**
13 **THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

14 (2) Regulations adopted by the Board shall include a requirement of[:

15 (i)] at least monthly physical inspections of the premises during the
16 initial license year of any license holder[; and

17 (ii) the submission by the license holder to the Board, during the
18 initial license year, of monthly statements showing gross receipts from the sale of food and
19 gross receipts from the sale of alcoholic beverages for the immediately preceding month.

20 (f) If a license holder during the initial license year fails to maintain the sales
21 ratio requirement provided in this section for 3 consecutive months or, after the initial
22 license year, for each license or calendar year, the Board may revoke the license.

23 (g) The Board may require a license holder to provide supporting data that the
24 Board considers necessary to establish that the requirements of this section relating to the
25 ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have
26 been met].

27 [(h)] (F) A holder of a Class BD-BWL license:

28 (1) may also hold a Class 7 micro-brewery license issued for a location in

1 the county; but

2 (2) may not hold more than one Class BD–BWL license.

3 [(i) On 7 days of the week, the hours of sale are:

4 (1) for on–premises consumption:

5 (i) from 9 a.m. to 2 a.m. the following day, on Monday, Tuesday,
6 Wednesday, and Thursday;

7 (ii) from 9 a.m. to 3 a.m. the following day, on Friday and Saturday;

8 (iii) from 10 a.m. to 3 a.m. the following day, on Sunday when the
9 following day has been designated by the federal government as one of the following
10 holidays:

11 1. Washington’s Birthday;

12 2. Memorial Day;

13 3. Independence Day;

14 4. Labor Day;

15 5. Veterans Day; or

16 6. Christmas; or

17 (iv) from 10 a.m. to 2 a.m. the following day, on a Sunday that is not
18 referenced in item (iii) of this paragraph; and

19 (2) for off–premises consumption, from 6 a.m. to 1 a.m. the following day.]

20 [(j)] (G) The annual license fee is \$3,500.

21 25–906.

1 (a) There is a Class D beer, wine, and liquor license.

2 (b) The Board may issue the license to an owner of an establishment if:

3 (1) before the issuance of the license, the owner attests in a sworn
4 statement that [gross receipts from food sales will be at least equal to 40% of the gross
5 receipts from the sale of food and alcoholic beverages:

6 (i) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday,
7 Thursday, Friday, and Saturday; and

8 (ii) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE**
9 **FOR SALE FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC**
10 **BEVERAGES ARE PERMITTED TO BE SERVED;** and

11 (2) before each renewal of the license, the owner attests in a sworn
12 statement that [the gross receipts from food sales for the 12 months immediately before the
13 application for renewal have been at least equal to 40% of the gross receipts from the sale
14 of food and alcoholic beverages:

15 (i) from 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday,
16 Thursday, Friday, and Saturday; and

17 (ii) from 10 a.m. to 9 p.m. on Sunday] **FOOD WILL BE AVAILABLE**
18 **FOR SALE FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC**
19 **BEVERAGES ARE PERMITTED TO BE SERVED.**

20 (c) The license authorizes the license holder to sell beer, wine, and liquor for
21 on-premises consumption.

22 (d) The Board shall adopt regulations:

23 (1) **(I)** to provide for[:

24 (i)] periodic inspection of the premises; and

25 (ii) [audits to determine the ratios of gross receipts from the sale of
26 food to gross receipts from the sale of alcoholic beverages] **THAT SPECIFY THE TYPE OF**

1 **FOOD THAT IS REQUIRED TO BE AVAILABLE FOR SALE FOR ON-PREMISES**
2 **CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED**
3 **TO BE SERVED; and**

4 (2) during the initial license year, to require[:

5 (i)] at least monthly physical inspections of the premises[: and

6 (ii) the license holder to submit to the Board monthly statements
7 showing gross receipts from the sale of food and gross receipts from the sale of alcoholic
8 beverages for the preceding month.

9 (e) (1) The Board may revoke the license if the license holder fails to maintain
10 the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic
11 beverages required under this section:

12 (i) during the initial license year, for 3 consecutive months; or

13 (ii) after the initial license year, for each license or calendar year.

14 (2) The Board may require the license holder to provide supporting data as
15 the Board considers necessary to establish that the license holder has met the requirements
16 of this section relating to the ratio of gross receipts from the sale of food to gross receipts
17 from the sale of alcoholic beverages].

18 [(f)] (E) The annual license fee is \$3,000.

19 25–2005.

20 (f) A holder of a Class BD–BWL beer, wine, and liquor license may sell beer, wine,
21 and liquor:

22 (1) for on–premises consumption[, on Monday through Sunday, from 10
23 a.m. to 2 a.m. the following day]:

24 (I) **ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M.**
25 **THE FOLLOWING DAY;**

1 **(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE**
2 **FOLLOWING DAY; AND**

3 **(III) ON SUNDAY:**

4 1. **FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

5 2. **FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE**
6 **FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY A PUBLIC HOLIDAY;**
7 and

8 (2) for off–premises consumption, on Monday through Sunday, from 6 a.m.
9 to 1 a.m. the following day.

10 (i) (1) Subject to paragraph (2) of this subsection, a holder of a Class D beer,
11 wine, and liquor license may sell beer, wine, and liquor:

12 (i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following
13 day;

14 (ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day;
15 and

16 (iii) on Sunday:

17 1. from 10 a.m. to 2 a.m. the following day; or

18 2. from 10 a.m. to 3 a.m. the following day if the federal
19 government has designated the following day as [Washington’s Birthday, Memorial Day,
20 Independence Day, Labor Day, or Christmas] **A PUBLIC HOLIDAY.**

21 (2) The license holder shall sell or make available food for on–premises
22 consumption during the hours that alcoholic beverages are permitted to be served.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2018.