

# HOUSE BILL 1067

A2

6lr0545

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By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages Licenses – Exemption From**  
3 **Minimum Distance Restrictions**

4 **MC 8–16**

5 FOR the purpose of authorizing the Montgomery County Board of License Commissioners  
6 to approve by unanimous vote the application for a license to sell alcoholic beverages  
7 in a certain mixed use center, regardless of the distance from certain schools, places  
8 of worship, or youth centers, under certain circumstances; specifying that the license  
9 authorizes the holder to sell alcoholic beverages for on–premises consumption only,  
10 except under certain circumstances; authorizing a holder of a Class D beer and light  
11 wine license to obtain a Class 7 micro–brewery license to sell beer for on– and  
12 off–premises consumption; and generally relating to the sale of alcoholic beverages  
13 in Montgomery County.

14 BY repealing and reenacting, with amendments,  
15 Article – Alcoholic Beverages  
16 Section 25–1608(a)  
17 Annotated Code of Maryland  
18 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
19 Assembly of 2016)

20 BY repealing and reenacting, without amendments,  
21 Article – Alcoholic Beverages  
22 Section 25–1608(b), (c), and (d)  
23 Annotated Code of Maryland  
24 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
25 Assembly of 2016)

26 BY adding to  
27 Article – Alcoholic Beverages

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 25–1608(k)  
2 Annotated Code of Maryland  
3 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
4 Assembly of 2016)

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

7 **Article – Alcoholic Beverages**

8 25–1608.

9 (a) Except as provided in subsections (c) through [(j)](k) of this section, the Board  
10 may not issue a license for an establishment that is within 750 feet of:

11 (1) a place of worship;

12 (2) an elementary or a secondary school; or

13 (3) a youth center sponsored or operated by a governmental unit.

14 (b) The distance from the establishment to the place of worship, elementary or  
15 secondary school, or youth center is to be measured from the nearest point of the building  
16 of the establishment to the nearest point of the building of the place of worship, school, or  
17 youth center.

18 (c) (1) The prohibition against issuing a license in subsection (a) of this section  
19 does not apply:

20 (i) to a culinary school license;

21 (ii) to a per diem license issued for use on the site of a place of  
22 worship, an elementary or a secondary school, or a youth center; or

23 (iii) if a place of worship, school, or youth center was built within 750  
24 feet of an establishment after issuance of the license, to a license:

25 1. renewal;

26 2. transfer; or

27 3. subject to paragraph (2) of this subsection, reissuance, if  
28 the license is reissued within 1 year after the date of expiration or revocation of the prior  
29 license.

30 (2) Reissuance is prohibited if the acts of the owner of an establishment  
31 caused the license to be revoked.

1 (d) If the establishment is on land that is zoned commercial or industrial and is  
2 adjacent or contiguous to other land similarly classified, the Board, by majority vote, may  
3 issue a license for an establishment that is more than 300 feet from a place of worship,  
4 elementary or secondary school, or youth center.

5 **(K) (1) THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE FOR AN**  
6 **ESTABLISHMENT THAT IS LOCATED IN A MIXED USE CENTER THAT IS BORDERED BY**  
7 **EAST-WEST HIGHWAY, PEARL STREET, MONTGOMERY AVENUE, AND WAVERLY**  
8 **STREET IN BETHESDA IF:**

9 **(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY**  
10 **AFFECT NEARBY SCHOOLS, PLACES OF WORSHIP, OR YOUTH CENTERS OR THE**  
11 **NEAREST RESIDENTIAL COMMUNITY; AND**

12 **(II) THE ESTABLISHMENT OTHERWISE QUALIFIES UNDER THIS**  
13 **ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.**

14 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
15 **PARAGRAPH, A LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER TO**  
16 **SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ONLY.**

17 **(II) A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE**  
18 **MAY OBTAIN A CLASS 7 MICRO-BREWERY (ON- AND OFF-SALE) LICENSE TO SELL**  
19 **BEER FOR ON- AND OFF-PREMISES CONSUMPTION.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 1, 2016.