

HOUSE BILL 1075

A2

6lr0776

By: **Montgomery County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Gaithersburg – Licensed Alcoholic Beverages**
3 **Restaurants – Exemption From Distance Restrictions**

4 **MC 23–16**

5 FOR the purpose of authorizing the Montgomery County Board of License Commissioners
6 by a certain vote to approve a Class B beer, wine, and liquor license for a restaurant
7 in the City of Gaithersburg Corridor Development, notwithstanding certain distance
8 restrictions from certain schools, places of worship, or youth centers; requiring the
9 restaurant to meet certain conditions; specifying that the license authorizes the
10 license holder to keep for sale and sell alcoholic beverages for consumption on the
11 premises only; and generally relating to alcoholic beverages licenses in the City of
12 Gaithersburg Corridor Development in Montgomery County.

13 BY repealing and reenacting, with amendments,

14 Article – Alcoholic Beverages

15 Section 25–1608(a)

16 Annotated Code of Maryland

17 (As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General
18 Assembly of 2016)

19 BY repealing and reenacting, without amendments,

20 Article – Alcoholic Beverages

21 Section 25–1608(b) and (c)

22 Annotated Code of Maryland

23 (As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General
24 Assembly of 2016)

25 BY adding to

26 Article – Alcoholic Beverages

27 Section 25–1608(k)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General
3 Assembly of 2016)

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

6 **Article – Alcoholic Beverages**

7 25–1608.

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

10 (1) a place of worship;

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

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

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

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

19 (i) to a culinary school license;

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

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

24 1. renewal;

25 2. transfer; or

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

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

1 **(K) (1) THE BOARD, BY MAJORITY VOTE, MAY ISSUE A CLASS B BEER,**
2 **WINE, AND LIQUOR LICENSE FOR A RESTAURANT IF THE RESTAURANT:**

3 **(I) IS IN THE CITY OF GAITHERSBURG CORRIDOR**
4 **DEVELOPMENT; AND**

5 **(II) OTHERWISE QUALIFIES FOR THE LICENSE.**

6 **(2) THE LICENSE AUTHORIZES THE HOLDER TO SELL ALCOHOLIC**
7 **BEVERAGES FOR ON-PREMISES CONSUMPTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2016.