

**By: Senator Middleton**

Requested: September 5, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Alcoholic Beverages**  
3 **(Beer and Wine Festival)**

4 FOR the purpose of creating and generally providing for a Charles County Beer and  
5 Wine Festival; and generally relating to alcoholic beverages in Charles County.

6 BY renumbering

7 Article 2B - Alcoholic Beverages  
8 Section 8-305 through 8-310, respectively  
9 to be Section 8-306 through 8-311, respectively  
10 Annotated Code of Maryland  
11 (1994 Replacement Volume and 1995 Supplement)

12 BY adding to

13 Article 2B - Alcoholic Beverages  
14 Section 8-305  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1995 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That Section(s) 8-305 through 8-310, respectively, of Article 2B -  
19 Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s)  
20 8-306 through 8-311, respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
22 read as follows:

23 **Article 2B - Alcoholic Beverages**

24 8-305.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
26 INDICATED.

27 (2) "BOARD" MEANS THE CHARLES COUNTY BOARD OF LICENSE  
28 COMMISSIONERS.

2

1 (3) "FESTIVAL" MEANS THE CHARLES COUNTY BEER AND WINE  
2 FESTIVAL.

3 (B) THIS SECTION APPLIES ONLY IN CHARLES COUNTY.

4 (C) THE BOARD MAY ISSUE A SPECIAL FESTIVAL (CBWF) LICENSE.

5 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN  
6 APPLICANT FOR A SPECIAL FESTIVAL LICENSE SHALL BE A HOLDER OF AN EXISTING  
7 STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, STATE CLASS 3 WINERY LICENSE,  
8 OR STATE CLASS 4 WINERY LICENSE ISSUED UNDER THIS ARTICLE.

9 (E) A SPECIAL FESTIVAL LICENSEE MAY:

10 (1) ONLY DISPLAY AND SELL:

11 (I) WINE THAT IS MANUFACTURED AND PROCESSED IN ANY  
12 STATE; AND

13 (II) BEER THAT IS BREWED BY A BREWER THAT BREWS LESS THAN  
14 60,000 BARRELS OF BEER ANNUALLY;

15 (2) DISPLAY AND SELL BEER AND WINE AT RETAIL FOR CONSUMPTION  
16 ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS  
17 DESIGNATED FOR THE FESTIVAL; AND

18 (3) DISPLAY AND SELL WINE THAT IS MANUFACTURED AND PROCESSED  
19 IN ANY STATE AT RETAIL FOR CONSUMPTION OFF THE LICENSED PREMISES ON THE  
20 DAYS AND FOR THE HOURS DESIGNATED FOR THE FESTIVAL.

21 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL FESTIVAL  
22 LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A  
23 DIFFERENT CLASS OR NATURE.

24 (G) THE BOARD:

25 (1) MAY ESTABLISH THE LICENSE FEE;

26 (2) MAY SELECT ONE WEEKEND, FRIDAY THROUGH SUNDAY  
27 INCLUSIVE, ANNUALLY FOR THE FESTIVAL PROVIDED THAT THE WEEKEND THAT IS  
28 SELECTED DOES NOT OCCUR WITHIN 14 DAYS BEFORE OR AFTER THE MARYLAND  
29 WINE FESTIVAL;

30 (3) SHALL CHOOSE A LOCATION IN THE COUNTY FOR THIS FESTIVAL  
31 WHICH IS NOT LICENSED UNDER THIS ARTICLE; AND

32 (4) SHALL ASSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE  
33 PROMOTION OF MARYLAND BEER AND WINE.

34 (H) (1) NOTWITHSTANDING THE PROVISIONS OF §§ 2-301(F) AND 12-103(C) OF  
35 THIS ARTICLE, BEER AND WINE PRODUCTS NOT AUTHORIZED FOR GENERAL  
36 DISTRIBUTION IN MARYLAND AT THE TIME OF THE FESTIVAL MAY BE SHIPPED  
37 DIRECTLY TO A SPECIAL FESTIVAL LICENSEE BY A LICENSED NONRESIDENT  
38 DEALER.

3

1                   (2) ALL INVOICES FOR PRODUCTS DELIVERED DIRECTLY TO THE  
2 FESTIVAL BY A NONRESIDENT DEALER, OR CREDITS FOR AUTHORIZED RETURNS,  
3 SHALL BE MADE THROUGH A LICENSED MARYLAND WHOLESALER.

4                   (3) BEER OR WINE DELIVERED DIRECTLY TO A SPECIAL FESTIVAL  
5 LICENSEE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE RETURNED  
6 DIRECTLY TO THE NONRESIDENT DEALER.

7                   (4) WHENEVER A SPECIAL FESTIVAL LICENSE IS ISSUED UNDER THIS  
8 SECTION, HOLDERS OF WHOLESALER LICENSES OR NONRESIDENT DEALER PERMITS  
9 MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A SPECIAL FESTIVAL  
10 LICENSE TO DELIVER BEER AND WINE 2 DAYS PRIOR TO THE EFFECTIVE DATE, AND  
11 TO ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE OF THE SPECIAL  
12 FESTIVAL LICENSE.

13                  (I) THE BOARD SHALL ADOPT REGULATIONS FOR IMPLEMENTING THIS  
14 SECTION.

15                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1996.