
By: Senator Middleton

Requested: September 5, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 1996

CHAPTER ____

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~~ authorizing the Charles County Board of License Commissioners to
6 issue a Special Festival (CBWF) License; establishing certain qualifications for an
7 applicant for a Special Festival (CBWF) License; establishing certain limitations on
8 a certain licensee; establishing certain powers and duties of the Board of License
9 Commissioners relating to the Charles County Beer and Wine Festival;authorizing
10 the shipment of certain products to a special festival licensee by alicensed
11 nonresident dealer under certain circumstances; requiring the Board of License
12 Commissioners to adopt certain regulations; defining certain terms; and generally
13 relating to alcoholic beverages in the establishment of the Charles County Beer and
14 Wine Festival.

15 BY renumbering

16 Article 2B - Alcoholic Beverages

17 Section 8-305 through 8-310, respectively

18 to be Section 8-306 through 8-311, respectively

19 Annotated Code of Maryland

20 (1994 Replacement Volume and 1995 Supplement)

21 BY adding to

22 Article 2B - Alcoholic Beverages

23 Section 8-305

24 Annotated Code of Maryland

2

1 (1994 Replacement Volume and 1995 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That Section(s) 8-305 through 8-310, respectively, of Article2B -
4 Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s)
5 8-306 through 8-311, respectively.

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

8 **Article 2B - Alcoholic Beverages**

9 8-305.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) "BOARD" MEANS THE CHARLES COUNTY BOARD OF LICENSE
13 COMMISSIONERS.

14 (3) "FESTIVAL" MEANS THE CHARLES COUNTY BEER AND WINE
15 FESTIVAL.

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

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

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

22 (E) A SPECIAL FESTIVAL LICENSEE MAY:

23 (1) ONLY DISPLAY AND SELL:

24 (I) WINE THAT IS MANUFACTURED AND PROCESSED IN ANY
25 STATE; AND

26 (II) BEER THAT IS BREWED BY A BREWER THAT BREWS LESS THAN
27 60,000 BARRELS OF BEER ANNUALLY;

28 (2) DISPLAY AND SELL BEER AND WINE AT RETAIL FOR CONSUMPTION
29 ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS
30 DESIGNATED FOR THE FESTIVAL; AND

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

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

37 (G) THE BOARD:

1 (1) MAY ESTABLISH THE LICENSE FEE;

2 (2) MAY SELECT ONE WEEKEND, FRIDAY THROUGH SUNDAY
3 INCLUSIVE, ANNUALLY FOR THE FESTIVAL PROVIDED THAT THE WEEKEND THAT IS
4 SELECTED DOES NOT OCCUR WITHIN 14 DAYS BEFORE OR AFTER THE MARYLAND
5 WINE FESTIVAL IN CARROLL COUNTY AND DOES NOT CONFLICT WITH THE DATES
6 CHOSEN FOR THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL, THE
7 BALTIMORE COUNTY WINE FESTIVAL, THE CALVERT COUNTY WINE FESTIVAL, THE
8 HARFORD COUNTY WINE FESTIVAL, THE HOWARD COUNTY WINE FESTIVAL, THE
9 QUEEN ANNE'S COUNTY BEER AND WINE FESTIVAL, THE MARYLAND WINE
10 FESTIVAL IN SOMERSET COUNTY, THE CUMBERLAND AND SHENANDOAH VALLEY
11 WINE FESTIVAL IN WASHINGTON COUNTY, AND THE WORCESTER COUNTY BEER
12 AND WINE FESTIVAL;

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

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

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

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

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

28 (4) WHENEVER A SPECIAL FESTIVAL LICENSE IS ISSUED UNDER THIS
29 SECTION, HOLDERS OF WHOLESALE LICENSES OR NONRESIDENT DEALER PERMITS
30 MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A SPECIAL FESTIVAL
31 LICENSE TO DELIVER BEER AND WINE 2 DAYS PRIOR TO THE EFFECTIVE DATE, AND
32 TO ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE OF THE SPECIAL
33 FESTIVAL LICENSE.

34 (I) THE BOARD SHALL ADOPT REGULATIONS FOR IMPLEMENTING THIS
35 SECTION.

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

