

SENATE BILL 280

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2000 Regular Session
(01r1038)

ENROLLED BILL

-- *Economic and Environmental Affairs/Economic Matters* --

Introduced by **Senator Baker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 250

1 AN ACT concerning

2 **Kent County - Alcoholic Beverages - Licensees**

3 FOR the purpose of authorizing the Kent County Board of License Commissioners to
4 issue a caterer's license to a certain alcoholic beverages licensee; altering the
5 periods of time during which the Board may not issue a new alcoholic beverages
6 license for use on certain premises; establishing that the prohibition against the
7 Board issuing a new alcoholic beverages license during certain times for use on
8 certain premises does not apply under certain circumstances; altering in Kent
9 County the time that certain licensees may open on a Sunday; requiring in Kent
10 County that certain persons be certified by an approved alcohol awareness
11 program and be present during certain hours; providing for a certain limited
12 exemption; making technical changes; providing for a delayed effective date for
13 certain provisions of this Act; and generally relating to alcoholic beverages
14 licensees in Kent County.

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages

1 Section 6-705, 11-515, 11-515.1(a)(2) and (3), and ~~13-101(e)(3)~~ 13-101(c)(2)
 2 Annotated Code of Maryland
 3 (1998 Replacement Volume and 1999 Supplement)

4 BY adding to
 5 Article 2B - Alcoholic Beverages
 6 Section 10-208(j)
 7 Annotated Code of Maryland
 8 (1998 Replacement Volume and 1999 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article 2B - Alcoholic Beverages
 11 Section 10-208(a), 11-515.1(a)(1), and 13-101(c)(1)
 12 Annotated Code of Maryland
 13 (1998 Replacement Volume and 1999 Supplement)

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

16 **Article 2B - Alcoholic Beverages**

17 6-705.

18 (a) This section applies only in Kent County.

19 (b) The annual license fee is \$100.

20 (c) The Board of License Commissioners may issue a caterer's license to a
 21 holder of [a]:

22 (1) A Class B restaurant or hotel (on-sale) beer, wine and liquor license;
 23 ~~OR~~ AND

24 (2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND LIGHT
 25 WINE LICENSE.

26 (d) A caterer's license issued under this section authorizes the holder to
 27 provide alcoholic beverages at events that are held off the Class B restaurant or hotel
 28 (on-sale) beer, wine and liquor license OR THE CLASS B RESTAURANT OR HOTEL
 29 (ON-SALE) BEER AND LIGHT WINE LICENSE premises.

30 (e) The holder shall provide food as well as alcoholic beverages for
 31 consumption at the catered event.

32 (f) A holder may exercise the privileges under this license only during the
 33 hours and days that are permitted in this article for a Class B restaurant or hotel
 34 (on-sale) beer, wine and liquor license OR A CLASS B RESTAURANT OR HOTEL
 35 (ON-SALE) BEER AND LIGHT WINE LICENSE.

1 (g) This section does not require a holder of an existing Class B (on-sale) beer,
2 wine and liquor license OR AN EXISTING CLASS B RESTAURANT OR HOTEL (ON-SALE)
3 BEER AND LIGHT WINE LICENSE to have a caterer's license for catering on the
4 premises that is covered by the existing license.

5 10-208.

6 (a) (1) If a license is refused, except as provided in this section, other
7 applications may not be considered from the applicant or for the premises, as the case
8 may be, for a period of six months. If a subsequent application by the same applicant
9 or for the same premises is refused within the two-year period immediately following
10 the date of the first refusal, then other applications may not be considered from the
11 applicant or for the premises, as the case may be, until the two-year period has
12 elapsed.

13 (2) This section does not hold against:

14 (i) An applicant where a license was refused on the grounds it was
15 not necessary for the accommodation of the public or because the premises were not
16 suitable to the sale of alcoholic beverages under the license applied for; or

17 (ii) The premises set forth in an application when the license
18 applied for was refused because the applicant personally was determined not to be a
19 proper person to be issued the license applied for. In Charles County, the limitations
20 of this section are not applicable to the refusal of a license on the grounds the license
21 was not necessary for the accommodation of the public, because the premises were not
22 suitable for sales of alcoholic beverages under the license applied for, or to the refusal
23 of a license because the applicant was determined not to be a proper licensee.

24 (J) (1) IN KENT COUNTY:

25 (I) IF AN APPLICATION FOR A LICENSE IS REFUSED, THEN THE
26 BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE FOR THE SAME
27 PREMISES UNTIL A ~~CALENDAR~~ YEAR EXPIRES FROM THE DATE OF REFUSAL; AND

28 (II) IF A SUBSEQUENT APPLICATION FOR THE SAME PREMISES IS
29 REFUSED, THEN THE BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE
30 FOR THE SAME PREMISES UNTIL 2 YEARS EXPIRE FROM THE DATE OF THE SECOND
31 REFUSAL.

32 (2) THIS SUBSECTION DOES NOT APPLY TO APPLICATIONS:

33 (I) THAT ARE REJECTED BECAUSE OF A LEGAL DEFECT OR AN
34 OMISSION;

35 (II) THAT ARE REFUSED SOLELY AND EXPRESSLY BECAUSE THE
36 PRIOR APPLICANT PERSONALLY WAS DETERMINED NOT TO BE A PROPER PERSON TO
37 WHOM THE LICENSE APPLIED FOR SHOULD BE ISSUED; OR

38 (III) ~~THAT ARE~~ FOR LICENSE TRANSFERS.

1 11-515.

2 (a) This section applies only in Kent County.

3 (b) This section does not apply to any special or temporary license issued
4 under § 7-101 of this article.

5 (c) Any class of retail on- or off-sale alcoholic beverages license issued by the
6 Board of License Commissioners authorizes the holder to sell alcoholic beverages:

7 (1) On Monday through Friday from 6 a.m. to 2 a.m. the following day;

8 (2) On Saturday from 6 a.m. to 1 a.m. the following day; and

9 (3) On Sunday:

10 (i) For a Class A license, from 9 a.m. to 2 a.m. the following day;

11 (ii) For a Class B license, from [12 noon] 9 A.M. to 12 midnight
12 (off-sale for beer and wine only);

13 (iii) For a Class C license, from [11 a.m.] 9 A.M. to 12 midnight; or

14 (iv) For a Class D license, from 9 a.m. to 2 a.m. (off-sale for beer
15 and wine only).

16 11-515.1.

17 (a) (1) In Kent County, the Board of License Commissioners may grant a
18 special Sunday (on-sale) beer, wine and liquor license privilege.

19 (2) This license privilege may be granted only to a holder of a Class B
20 (on-sale) beer, wine and liquor license for use on the premises that qualify as a
21 restaurant under § [11-515] 6-201(P) of this article.

22 (3) This license privilege authorizes the holder to serve beer, wine and
23 liquor on the restaurant premises on Sundays from 12 noon to 12 midnight without
24 being subject to the meal and seating restrictions provided under § [11-515] 6-201(P)
25 of this article.

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

28 **Article 2B - Alcoholic Beverages**

29 13-101.

30 (c) (1) A holder of any class of retail alcoholic beverages license or an
31 employee designated by the holder shall complete training in an approved alcohol
32 awareness program. The training shall be valid for a period of 4 years, and the holder
33 shall complete retraining in an approved program for each successive 4-year period.

1 (3) (ii) ~~This paragraph applies only in Harford [County] AND KENT~~
2 ~~COUNTIES.~~

3 (ii) ~~The licensee or a person who is employed in a supervisory~~
4 ~~capacity designated by the licensee shall be certified by an approved alcohol~~
5 ~~awareness program and shall be present during the hours in which alcohol may be~~
6 ~~sold.~~

7 (2) (i) This paragraph applies only in the following jurisdictions:

8 1. Howard County; [and]

9 2. Montgomery County; AND

10 3. KENT COUNTY.

11 (ii) The licensee or a person who is employed in a supervisory
12 capacity designated by the licensee:

13 1. Shall be certified by an approved alcohol awareness
14 program; and

15 2. Except as otherwise provided in subparagraph (iii) of this
16 paragraph, be present during the hours in which alcohol may be sold.

17 (iii) 1. In Howard County AND KENT COUNTY, the person
18 certified by an approved alcohol awareness program may be absent from the licensed
19 premises for a bona fide personal or business reason or an emergency, if the absence
20 lasts for no more than 2 hours.

21 2. The Board of License Commissioners shall require the
22 licensee to keep a log book on the licensed premises that contains documentation of
23 each temporary absence, the length of time of the absence, and the reason for the
24 absence, in the form required by the Board of License Commissioners.

25 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
26 take effect July 1, 2001.

27 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
28 Section 3 of this Act, this Act shall take effect October 1, 2000.