

HOUSE BILL 126

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A2

2003 Regular Session  
3r1086  
CF 3r1821

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By: **Delegates Cane, Bozman, Conway, Eckardt, Elmore, and Schisler**

Introduced and read first time: January 24, 2003

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2003

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CHAPTER 123

1 AN ACT concerning

2 **Wicomico County - Alcoholic Beverages - Licenses, Sales, and Wine Festival**

3 FOR the purpose of repealing a certain requirement for a certain alcoholic beverages  
4 license for conference centers in Wicomico County; increasing a certain annual  
5 alcoholic beverages license fee in the county; altering the term of an alcoholic  
6 beverages license in the county; repealing the prohibition on Sunday sales of  
7 certain alcoholic beverages in the county; establishing a special WCWF license  
8 for the sale of wine at the Wicomico County Wine Festival; establishing certain  
9 licensing requirements; requiring certain license holders to display and sell  
10 certain wine; establishing a license fee; requiring the Wicomico Board of License  
11 Commissioners to set the date and location of the Festival; requiring the Board  
12 to assure that the primary focus of the Festival is the promotion of Maryland  
13 wine; establishing certain requirements concerning the delivery of products  
14 displayed and sold at the Festival; requiring the Board to adopt certain  
15 regulations; defining certain terms; and generally relating to alcoholic  
16 beverages in Wicomico County.

17 BY repealing and reenacting, without amendments,  
18 Article 2B - Alcoholic Beverages  
19 Section 6-201(x)(1)  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article 2B - Alcoholic Beverages  
24 Section 6-201(x)(3), 6-401(x), and 11-523(c)(3), (4), and (6)  
25 Annotated Code of Maryland

1 (2001 Replacement Volume and 2002 Supplement)

2 BY adding to

3 Article 2B - Alcoholic Beverages

4 Section 8-313.1

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2002 Supplement)

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

9 **Article 2B - Alcoholic Beverages**

10 6-201.

11 (x) (1) This subsection applies only in Wicomico County.

12 (3) (i) There is a Class B-Conference Center license.

13 (ii) The annual license fee is \$1,100.

14 (iii) The conference center shall have a minimum capacity of 500  
15 persons and the following facilities:

16 1. Kitchen;

17 2. Dining; and

18 3. Meeting space.

19 (iv) Licensees may sell beer, wine and liquor for on-premises  
20 consumption to persons attending an event at the conference center.

21 (v) An existing Class B license may be amended to one for  
22 conference center use.

23 [(vi) To be eligible for a license, the conference center shall be located  
24 west of Maryland Route 13 and north of the city limits of Salisbury.]

25 6-401.

26 (x) (1) This subsection applies only in Wicomico County.

27 (2) The annual license fee is [\$1,925] \$2,200.

28 (3) Any license issued under the provisions of this section is for [6] 7  
29 days.

30 (4) In order to qualify for a license under the provisions of this section  
31 the premises that is the subject of the application shall have a minimum seating

1 capacity of 140 persons, not including the bar area or dancing floor area, and shall  
2 meet the minimum requirements of the fire code applicable to the jurisdiction in  
3 which the premises is located.

4 (5) Alcoholic beverages sold under the provisions of this section shall be  
5 consumed on the premises only.

6 (6) A person may not be on the premises who is under the legal age for  
7 the consumption of beer and light wine in this State.

8 (7) All alcoholic beverages other than beer and light wine shall be  
9 purchased from the Liquor Control Board for Wicomico County and shall be charged  
10 not more than 15 percent above the wholesale cost to the dispensary.

11 8-313.1.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14 (2) "BOARD" MEANS THE WICOMICO COUNTY BOARD OF LICENSE  
15 COMMISSIONERS.

16 (3) "FESTIVAL" MEANS THE WICOMICO COUNTY WINE FESTIVAL.

17 (B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.

18 (C) THE BOARD MAY ISSUE A SPECIAL WCWF LICENSE.

19 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, TO BE  
20 ELIGIBLE FOR A SPECIAL WCWF LICENSE AN APPLICANT MUST BE A HOLDER OF AN  
21 EXISTING STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, A STATE CLASS 3 WINERY  
22 LICENSE, OR A STATE CLASS 4 LIMITED WINERY LICENSE.

23 (E) A HOLDER OF A SPECIAL WCWF LICENSE SHALL:

24 (1) DISPLAY AND SELL WINE THAT IS:

25 (I) MANUFACTURED AND PROCESSED IN ANY STATE;

26 (II) PRICE FILED IN ACCORDANCE WITH REGULATIONS ADOPTED  
27 BY THE COMPTROLLER; AND

28 (III) DISTRIBUTED IN THE STATE AT THE TIME THE APPLICATION IS  
29 ~~FILED~~ FILED; AND

30 (2) DISPLAY AND SELL WINE AT RETAIL FOR CONSUMPTION ON OR OFF  
31 THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE  
32 FESTIVAL.

1 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL WCWF  
2 LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A  
3 DIFFERENT CLASS OR NATURE.

4 (G) THE SPECIAL WCWF LICENSE FEE IS \$25 PER DAY.

5 (H) (1) THE BOARD SHALL CHOOSE:

6 (I) ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,  
7 ANNUALLY FOR THE FESTIVAL; AND

8 (II) A LOCATION FOR THE FESTIVAL THAT IS IN THE COUNTY BUT  
9 THAT IS NOT LICENSED CURRENTLY UNDER THIS ARTICLE.

10 (2) THE BOARD SHALL ASSURE THAT THE PRIMARY FOCUS OF THE  
11 FESTIVAL IS THE PROMOTION OF MARYLAND WINE.

12 (I) (1) PRODUCTS DISPLAYED AND SOLD AT THE FESTIVAL SHALL BE:

13 (I) INVOICED TO THE HOLDER OF THE SPECIAL WCWF LICENSE BY  
14 A LICENSED STATE WHOLESALER, WINERY, OR LIMITED WINERY; AND

15 (II) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES  
16 OF THE WHOLESALER, WINERY, OR LIMITED WINERY.

17 (2) WHENEVER A SPECIAL WCWF LICENSE IS ISSUED, A HOLDER OF A  
18 WHOLESALE, WINERY, OR LIMITED WINERY LICENSE MAY ENTER INTO AN  
19 AGREEMENT WITH THE HOLDER OF A SPECIAL WCWF LICENSE TO DELIVER WINE 2  
20 DAYS BEFORE THE EFFECTIVE DATE OF THE SPECIAL WCWF LICENSE AND TO  
21 ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE OF THE SPECIAL WCWF  
22 LICENSE.

23 (J) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

24 11-523.

25 (c) The days and hours for the sale of alcoholic beverages are:

26 (3) For a Class B hotel and restaurant beer license:

27 (i) On-sale:

28 1. Monday through Saturday from 6 a.m. to 2 a.m. the  
29 following day; and

30 2. Sunday from 12:30 p.m. to 12 midnight, provided that the  
31 sale of alcoholic beverages on Sunday is only permitted for consumption by patrons  
32 who are seated on the premises; and

33 (ii) Off-sale[:



