

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 778

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Catering License” and substitute “Alcoholic Beverages”; strike beginning with “Class” in line 2 down through “Licensees” in line 3 and substitute “Licenses and Open Containers”; in line 5, strike “the” and substitute “a”; in line 12, after “premises;” insert “authorizing the Board to issue a special beer festival license for participation in a beer festival on nonlicensed premises in the county; specifying the qualifications, scope, fee, and time restrictions for a special beer festival license; requiring that the products to be displayed and sold by a special beer festival license holder be of a certain type; authorizing the Board to adopt certain regulations and to designate the number of times that a special beer festival license may be issued; providing that a special beer festival license holder is not prohibited from holding another alcoholic beverages license; specifying that certain licenses issued in the county are not subject to certain writs or a distraint for rent; prohibiting a person from possessing an alcoholic beverage in an open container while in certain areas in Wicomico County unless authorized;”; in the same line, strike “a”; in the same line, strike “change” and substitute “changes”; strike beginning with the second “a” in line 13 down through “license” in line 14 and substitute “alcoholic beverages in Wicomico County”; in line 17, after “6-709” insert “, 10-501(a), and 19-301 through 19-303”; and after line 19, insert:

“BY adding to

Article 2B - Alcoholic Beverages

Section 8-804 and 10-501(f)

Annotated Code of Maryland

(2001 Replacement Volume and 2003 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 30, insert:

“8-804.

(Over)

(A) IN THIS SECTION, "BOARD" MEANS THE WICOMICO COUNTY BOARD OF LICENSE COMMISSIONERS.

(B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.

(C) (1) THE BOARD MAY ISSUE A SPECIAL BEER FESTIVAL LICENSE.

(2) A SPECIAL BEER FESTIVAL LICENSE MAY BE USED ONLY AT A BEER FESTIVAL HELD ON NONLICENSED PREMISES LOCATED IN WICOMICO COUNTY.

(D) (1) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, AN APPLICANT FOR A SPECIAL BEER FESTIVAL LICENSE SHALL BE THE HOLDER OF AN EXISTING CLASS 5 BREWERY, CLASS 6 PUB-BREWERY, OR CLASS 7 MICRO-BREWERY MANUFACTURER'S LICENSE ISSUED UNDER THIS ARTICLE.

(2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER FESTIVAL SHALL OBTAIN A SPECIAL BEER FESTIVAL LICENSE.

(E) A SPECIAL BEER FESTIVAL LICENSEE MAY DISPLAY AND SELL BEER AT RETAIL FOR CONSUMPTION ON THE LICENSED FESTIVAL PREMISES ONLY ON THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.

(F) THE PRODUCTS DISPLAYED AND SOLD BY A SPECIAL BEER FESTIVAL LICENSEE SHALL BE PRODUCTS OWNED AND MANUFACTURED BY THE LICENSEE.

(G) THIS SECTION DOES NOT PROHIBIT A SPECIAL BEER FESTIVAL LICENSEE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) THE LICENSE FEE IS \$50 PER DAY.

(I) EACH SPECIAL BEER FESTIVAL LICENSE MAY BE IN EFFECT FOR A PERIOD NOT EXCEEDING 3 DAYS.

(J) THE BOARD MAY:

(1) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION; AND

(2) DESIGNATE THE NUMBER OF TIMES DURING A CALENDAR YEAR THAT A SPECIAL BEER FESTIVAL LICENSE MAY BE ISSUED.

10-501.

(a) [Licenses] EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION, LICENSES issued under provisions of this article shall not be regarded as property or as conferring any property rights. All such licenses shall be subject to suspension, restriction or revocation, and to all rules and regulations that may be adopted as herein provided.

(F) IN WICOMICO COUNTY, LICENSES ISSUED UNDER THIS ARTICLE ARE NOT SUBJECT TO WRITS OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSEE OR A DISTRAINT FOR RENT.

19-301.

(a) (1) This definition applies only in the following jurisdictions:

(i) Caroline County;

(ii) Carroll County;

(iii) Dorchester County;

(iv) Harford County; [and]

(v) Montgomery County; AND

(VI) WICOMICO COUNTY.

(2) In this section “unless authorized” means the possession and presentation of a written consent by the owner of the property.

(Over)

(b) A person may not possess in an open container any alcoholic beverage, as defined in this article, while:

(1) On the mall, adjacent parking area, or other outside area of any combination of privately owned retail establishments, commonly known as a shopping center, to which the general public is invited for business purposes, unless authorized by the owner of the establishment;

(2) On an adjacent parking area or other outside area of any other retail establishment, unless authorized by the owner of the establishment; or

(3) In any parked vehicle located on any of the places enumerated in this section, unless authorized.

19-302.

Any person who violates the provisions of this [subheading] SUBTITLE is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$100.

19-303.

This [subheading] SUBTITLE applies only in the following counties:

(1) Allegany County;

(2) Baltimore County, including motorcycles located on any of the places enumerated in § 19-301 of this [subheading] SUBTITLE, unless authorized;

(3) Calvert County;

(4) Carroll County, including motorcycles located on any of the places enumerated in § 19-301 of this [subheading] SUBTITLE, unless authorized;

(5) Cecil County;

- (6) Charles County;
- (7) Dorchester County;
- (8) Frederick County;
- (9) Garrett County;
- (10) Harford County;
- (11) Howard County;
- (12) Montgomery County;
- (13) St. Mary's County; [and]
- (14) Somerset County; AND
- (15) WICOMICO COUNTY.”.