

SENATE BILL 681

Unofficial Copy  
A2

2004 Regular Session  
(41r2466)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Economic Matters --

Introduced by **Senator Colburn**

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 301

1 AN ACT concerning

2 **Wicomico County - Alcoholic Beverages - Licenses and Open Containers**

3 FOR the purpose of authorizing the Wicomico County Board of License  
4 Commissioners to issue a caterer's license for a certain fee to a holder of a Class  
5 B restaurant or hotel (on-sale) beer and light wine license; authorizing a holder  
6 of a Class B beer and light wine catering license to provide beer and light wine at  
7 certain events off the Class B licensed premises; establishing the hours and days  
8 for sale for a Class B beer and light wine catering license; requiring that a holder  
9 of a Class B beer and light wine catering license serve food at a catered event;  
10 clarifying that a catering license is not required for catering on Class B beer and  
11 light wine licensed premises; authorizing the Board to issue a special festival  
12 license for participation in a beer festival on a nonlicensed premises in the  
13 county; specifying the qualifications, scope, fee, and time restriction for a special  
14 beer festival license; requiring that the products to be displayed and sold by a  
15 special beer festival license holder be of a certain type; authorizing the Board to  
16 adopt certain regulations and to designate the number of times that a special  
17 beer festival license may be issued; providing that a special beer festival license

1 holder is not prohibited from holding another alcoholic beverages license;  
 2 specifying that certain licenses issued in the county are not subject to certain  
 3 writs or a distraint for rent; prohibiting a person from possessing an alcoholic  
 4 beverage in an open container while in certain areas in Wicomico County unless  
 5 authorized; making stylistic changes; making a technical change; and generally  
 6 relating to alcoholic beverages in Wicomico County.

7 BY repealing and reenacting, with amendments,  
 8 Article 2B - Alcoholic Beverages  
 9 Section 6-709, 10-501(a), and 19-301 through 19-303  
 10 Annotated Code of Maryland  
 11 (2001 Replacement Volume and 2003 Supplement)

12 BY adding to  
 13 Article 2B - Alcoholic Beverages  
 14 Section 8-804 and 10-501(f)  
 15 Annotated Code of Maryland  
 16 (2001 Replacement Volume and 2003 Supplement)

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

19 **Article 2B - Alcoholic Beverages**

20 6-709.

21 (a) (1) This section applies only in Wicomico County.

22 (2) In this section, "Board" means the Board of License Commissioners.

23 (b) The annual license fee is \$550.

24 (c) (1) The Board may issue a caterer's license.

25 ~~(2) If a caterer's license is issued, it shall only be issued to a holder of a~~  
 26 ~~Class B restaurant or hotel (on-sale) beer, wine and liquor license OR A CLASS B~~  
 27 ~~RESTAURANT OR HOTEL (ON SALE) BEER AND WINE LICENSE.~~

28 (2) *If a caterer's license is issued, it shall only be issued to a holder of [a]:*

29 *(I) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND*  
 30 *LIGHT WINE LICENSE; OR*

31 *(II) A Class B restaurant or hotel (on-sale) beer, wine and liquor*  
 32 *license.*

33 (d) A caterer's license issued under this section authorizes ~~the holder~~:

1 (1) THE HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE TO  
 2 PROVIDE BEER AND LIGHT WINE AT EVENTS THAT ARE HELD OFF THE CLASS B  
 3 RESTAURANT OR HOTEL (ON-SALE) BEER AND LIGHT WINE LICENSED PREMISES;  
 4 AND

5 (2) THE HOLDER OF A CLASS B BEER, WINE AND LIQUOR LICENSE to  
 6 provide alcoholic beverages at events that are held off the Class B restaurant or hotel  
 7 (on-sale) beer, wine and liquor ~~license~~ LICENSED premises.

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

10 (f) A holder may exercise the privileges under this license only during the  
 11 hours and days that are ~~permitted in~~ ALLOWED UNDER this article for ~~a Class B~~  
 12 ~~restaurant or hotel (on-sale) beer, wine and liquor~~ THE UNDERLYING CLASS B  
 13 license.

14 (g) This section does not require a holder of an existing CLASS B RESTAURANT  
 15 OR HOTEL (ON-SALE) BEER AND LIGHT WINE LICENSE OR A Class B restaurant or  
 16 hotel (on-sale) beer, wine and liquor license to have a caterer's license for catering on  
 17 the premises that is covered by the Class B license.

18 8-804.

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

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

22 (C) (1) THE BOARD MAY ISSUE A SPECIAL BEER FESTIVAL LICENSE FOR  
 23 ~~PARTICIPATION IN A BEER FESTIVAL ON A NONLICENSED PREMISES IN THE COUNTY.~~

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

26 ~~(D) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, AN~~  
 27 ~~APPLICANT FOR A SPECIAL FESTIVAL LICENSE QUALIFIES FOR THE LICENSE BY~~  
 28 ~~BEING THE HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY~~  
 29 ~~LICENSE, OR A CLASS 7 MICRO-BREWERY LICENSE.~~

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

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

~~1 (E) A SPECIAL FESTIVAL LICENSE ENTITLES THE HOLDER TO DISPLAY AND  
2 SELL AT RETAIL BEER FOR CONSUMPTION ON THE PREMISES ON THE DAYS AND FOR  
3 THE HOURS DESIGNATED FOR THE BEER FESTIVAL.~~

~~4 (F) THE DAILY LICENSE FEE IS \$50.~~

~~5 (G) THE PRODUCTS TO BE DISPLAYED AND SOLD BY THE HOLDER OF THE  
6 LICENSE SHALL BE THOSE THAT THE HOLDER OWNS, PRODUCES, AND PROVIDES.~~

~~7 (H) THE BOARD MAY DESIGNATE THE NUMBER OF TIMES THAT A FESTIVAL  
8 LICENSE MAY BE ISSUED.~~

~~9 (I) A FESTIVAL LICENSE MAY BE IN EFFECT FOR A PERIOD NOT EXCEEDING 3  
10 CONSECUTIVE DAYS.~~

~~11 (J) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF THE LICENSE FROM  
12 HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR  
13 NATURE.~~

~~14 (K) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

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

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

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

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

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

26 (J) THE BOARD MAY:

27 (1) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION; AND

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

30 10-501.

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

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

4 19-301.

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

6 (i) Caroline County;

7 (ii) Carroll County;

8 (iii) Dorchester County;

9 (iv) Harford County; [and]

10 (v) Montgomery County; AND

11 (VI) WICOMICO COUNTY.

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

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

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

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

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

24 19-302.

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

27 19-303.

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

29 (1) Allegany County;

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

- 1           (3)     Calvert County;
- 2           (4)     Carroll County, including motorcycles located on any of the places  
3 enumerated in § 19-301 of this [subheading] SUBTITLE, unless authorized;
- 4           (5)     Cecil County;
- 5           (6)     Charles County;
- 6           (7)     Dorchester County;
- 7           (8)     Frederick County;
- 8           (9)     Garrett County;
- 9           (10)    Harford County;
- 10          (11)    Howard County;
- 11          (12)    Montgomery County;
- 12          (13)    St. Mary's County; [and]
- 13          (14)    Somerset County; AND
- 14          (15)    WICOMICO COUNTY.

15       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 June 1, 2004.