

SENATE BILL 196

A2

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By: **Senator Colburn**

Introduced and read first time: January 20, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County – Alcoholic Beverages Act of 2010**

3 FOR the purpose of prohibiting a person in Wicomico County who is under the legal
4 drinking age for the consumption of alcohol from being on a certain premises;
5 authorizing the Board of License Commissioners to issue a beer tasting license
6 and a beer/wine tasting license; providing for the fees, application forms,
7 renewal, and issuance procedures for the licenses; limiting the amount of wine
8 and beer that may be served at events for which a license is issued; restricting
9 in a certain manner the length of certain events; requiring a license holder to
10 provide certain notice to the Board of an event; placing certain restrictions on
11 the length of events; providing for the use and disposal of opened bottles and
12 containers; authorizing the Board to adopt certain regulations; altering the
13 location for which a pub–brewery license or a micro–brewery license may be
14 issued; allowing an individual of a certain age to be employed under certain
15 conditions at a licensed premises for certain purposes; clarifying that the
16 Comptroller is the issuer of a certain license; defining a certain term; making
17 certain stylistic changes; and generally relating to alcoholic beverages in
18 Wicomico County.

19 BY repealing and reenacting, with amendments,
20 Article 2B – Alcoholic Beverages
21 Section 6–101(x), 6–401(x)(6), 8–412, and 12–104(e)(5)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2009 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article 2B – Alcoholic Beverages
26 Section 6–401(a)(1) and (x)(1) and (5)
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article 2B – Alcoholic Beverages
3 Section 12–302(b)(13)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2009 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 6–101.

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

11 (2) The maximum number of licenses is three.

12 (3) Any license issued under the provisions of this section shall be
13 issued only to existing establishments that already have a Class B beer, wine and
14 liquor (restaurant) license and have been continually operating as a restaurant in the
15 county for 3 months prior to the application for this license.

16 (4) Any license issued under the provisions of this section shall apply
17 only to the area described in the application and that area may not exceed 20 percent
18 of the area normally used in the operation of the restaurant business. This area must
19 be contiguous to and adjoin the restaurant establishment.

20 (5) (i) [1.] The annual license fee is [~~\$2,200~~] **\$4,400**.

21 [2. During calendar year 1997, the annual license fee is
22 \$3,300.

23 3. During calendar year 1998 and thereafter, the annual
24 license fee is \$4,400.]

25 (ii) This fee shall be paid in addition to the fee paid for the Class
26 B (restaurant) license.

27 (6) All alcoholic beverages other than beer and light wine shall be
28 purchased from the Liquor Control Board for Wicomico County and the licensee shall
29 be charged not more than 15 percent above the wholesale operating cost to the
30 dispensary.

31 6–401.

32 (a) (1) A Class D beer, wine and liquor license shall be issued by the
33 license issuing authority of the county in which the place of business is located. It

1 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the
 2 place described in it, for consumption on the premises or elsewhere. A license may not
 3 be issued for any drugstore.

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

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

7 (6) A person may not be on the premises who is under the legal
 8 **DRINKING** age for the consumption of [beer and light wine] **ALCOHOL** in [this] **THE**
 9 State.

10 8-412.

11 (A) **IN THIS SECTION, "LICENSE" MEANS A BEER TASTING (BT)**
 12 **LICENSE, A WINE TASTING (WT) LICENSE, OR A BEER/WINE TASTING (BWT)**
 13 **LICENSE.**

14 [(a)] (B) This section applies only in Wicomico County.

15 [(b)] (C) (1) The Board of License Commissioners may issue a:

16 (I) **BEER TASTING (BT) LICENSE FOR BEER TASTING AND**
 17 **SAMPLING;**

18 (II) [wine] **WINE** tasting (WT) license for wine tasting and
 19 sampling; **AND**

20 (III) **BEER/WINE TASTING (BWT) LICENSE FOR BEER OR**
 21 **WINE TASTING AND SAMPLING.**

22 (2) A [WT] license may be issued only to a holder of a Class A beer and
 23 wine (off-sale) license **OR A CLASS A BEER, WINE AND LIQUOR (OFF-SALE)**
 24 **LICENSE.**

25 [(c)] (D) The annual [WT license] fee is:

26 (1) **FOR A BT LICENSE, \$150;**

27 (2) **FOR A WT LICENSE, \$150; AND**

28 (3) **FOR A BWT LICENSE, \$250.**

29 [(d)] (E) (1) An application for a [WT] license shall be made on a form
 30 that the Board of License Commissioners provides.

1 (2) A renewal of the [WT] license may be made at the time the Class A
2 beer and wine (off-sale) license **OR THE CLASS A BEER, WINE AND LIQUOR**
3 **(OFF-SALE) LICENSE** is renewed.

4 (3) The Board of License Commissioners may grant a [WT] license
5 without a hearing.

6 (4) If application for a [WT] license is denied, the applicant may
7 request a public hearing before the Board of License Commissioners.

8 **[(e) (F) (1) [A WT license holder may not serve to any person for**
9 **sampling or tasting purposes more than 1 ounce from each brand.] AN INDIVIDUAL**
10 **MAY BE SERVED, FOR SAMPLING OR TASTING PURPOSES, NOT MORE THAN:**

11 **(I) 1 OUNCE OF WINE FROM EACH BRAND; OR**

12 **(II) 3 OUNCES OF BEER FROM EACH BRAND.**

13 (2) A maximum of:

14 **(I) [six] SIX bottles OF WINE may be open at any one time at a**
15 **wine OR BEER AND WINE sampling or tasting event; OR**

16 **(II) SIX CONTAINERS OF BEER MAY BE OPEN AT ANY ONE**
17 **TIME AT A BEER OR BEER AND WINE SAMPLING OR TASTING EVENT.**

18 (3) The total number of days during which **BEER, wine, OR BEER AND**
19 **WINE** sampling or tasting events are held may not exceed 15 **FOR EACH EVENT** in any
20 period for which a [WT] license is in effect.

21 (4) A [WT] license holder shall notify the Board of License
22 Commissioners in writing at least 5 days before a **BEER, wine, OR BEER AND WINE**
23 sampling or tasting event.

24 (5) Once opened, each bottle **OR CONTAINER** used for a **BEER, wine,**
25 **OR BEER AND WINE** sampling or tasting event shall be marked that it is to be used
26 for that purpose only.

27 (6) The contents of each bottle **OR CONTAINER** may not be mixed with
28 any other bottle **OR CONTAINER**, and all bottles **AND CONTAINERS** shall be destroyed
29 once they are empty.

30 **[(f) (G) (1) A [WT] license is for on-premises consumption only.**

1 (2) [Wine] **BEER, WINE, OR BEER AND WINE** sampling or tasting
2 may not be conducted from a drive-through window.

3 **(H) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**
4 **REGULATIONS TO CARRY OUT THIS SECTION.**

5 12-104.

6 (e) (5) (i) This paragraph applies only in Wicomico County.

7 (ii) Subject to subparagraphs (iii) and (iv) of this paragraph,
8 **[the Board of License Commissioners] THE COMPTROLLER** may issue one Class 6
9 pub-brewery license or one Class 7 micro-brewery license, but not both, to a person
10 that holds not more than three Class B beer, wine and liquor licenses.

11 (iii) A Class 6 pub-brewery license or a Class 7 micro-brewery
12 license issued under subparagraph (ii) of this paragraph may be issued only for a
13 location in an enterprise zone **[in the City of Salisbury]**.

14 (iv) A holder of a Class 7 micro-brewery license issued under
15 subparagraph (ii) of this paragraph may sell beer for off-premises consumption only to
16 a wholesaler licensed under this article.

17 12-302.

18 (b) In the following jurisdictions the specified exceptions to subsection (a) of
19 this section apply:

20 **(13) IN WICOMICO COUNTY, AN INDIVIDUAL WHO IS AT LEAST 16**
21 **YEARS OLD AND HAS A WORK PERMIT MAY BE EMPLOYED AT A LICENSED**
22 **PREMISES TO STOCK ALCOHOLIC BEVERAGES OR CLEAR TABLES AND BAR**
23 **AREAS.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2010.