

# SENATE BILL 196

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By: **Senator Colburn**

Introduced and read first time: January 20, 2010

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2010

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## CHAPTER \_\_\_\_\_

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;~~ altering the number of days  
10 during which certain events may be held; requiring a license holder to provide  
11 certain notice to the Board of an event; placing certain restrictions on the length  
12 of events; providing for the use and disposal of opened bottles and containers;  
13 authorizing the Board to adopt certain regulations; altering the location for  
14 which a pub–brewery license or a micro–brewery license may be issued;  
15 allowing an individual of a certain age to be employed under certain conditions  
16 at a licensed premises for certain purposes; clarifying that the Comptroller is  
17 the issuer of a certain license; defining a certain term; making certain stylistic  
18 changes; and generally relating to alcoholic beverages in 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)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

6 BY adding to  
7 Article 2B – Alcoholic Beverages  
8 Section 12–302(b)(13)  
9 Annotated Code of Maryland  
10 (2005 Replacement Volume and 2009 Supplement)

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

13 **Article 2B – Alcoholic Beverages**

14 6–101.

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

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

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

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

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

26 [2. During calendar year 1997, the annual license fee is  
27 \$3,300.

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

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

32 (6) All alcoholic beverages other than beer and light wine shall be  
33 purchased from the Liquor Control Board for Wicomico County and the licensee shall

1 be charged not more than 15 percent above the wholesale operating cost to the  
2 dispensary.

3 6-401.

4 (a) (1) A Class D beer, wine and liquor license shall be issued by the  
5 license issuing authority of the county in which the place of business is located. It  
6 authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the  
7 place described in it, for consumption on the premises or elsewhere. A license may not  
8 be issued for any drugstore.

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

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

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

15 8-412.

16 **(A) IN THIS SECTION, "LICENSE" MEANS A BEER TASTING (BT)**  
17 **LICENSE, A WINE TASTING (WT) LICENSE, OR A BEER/WINE TASTING (BWT)**  
18 **LICENSE.**

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

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

21 **(I) BEER TASTING (BT) LICENSE FOR BEER TASTING AND**  
22 **SAMPLING;**

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

25 **(III) BEER/WINE TASTING (BWT) LICENSE FOR BEER OR**  
26 **WINE TASTING AND SAMPLING.**

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

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

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

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

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

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

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

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

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

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

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

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

17           (2) A maximum of:

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

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

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

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

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

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

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

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

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

9 12-104.

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

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

15                   (iii)    ~~A~~ ONE Class 6 pub-brewery license or ~~a~~ ONE Class 7  
16 micro-brewery license issued under subparagraph (ii) of this paragraph BUT NOT  
17 BOTH may be issued only for a location in an enterprise zone **[in the City of**  
18 **Salisbury]**.

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

22 12-302.

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

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

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