

SENATE BILL 736

A2

11r1800

By: **Cecil County Senators**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday**
3 **Sales Hours**

4 FOR the purpose of altering the hours during which certain licensees in Cecil County
5 may sell certain alcoholic beverages on Sunday; exempting certain holders of
6 certain classes of beer, wine and liquor licenses from certain restrictions on
7 hours of sale and from paying a certain license fee under certain circumstances;
8 authorizing certain licensees to conduct certain sales of certain alcoholic
9 beverages between certain hours on certain days; authorizing certain licensees
10 to permit the use and consumption of alcoholic beverages between certain hours
11 on certain days; making stylistic changes; and generally relating to the hours of
12 operation for certain licensed establishments in Cecil County.

13 BY repealing and reenacting, with amendments,
14 Article 2B – Alcoholic Beverages
15 Section 11–403(b)(1) and (2)(vii) and 11–508
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article 2B – Alcoholic Beverages
20 Section 11–403(b)(2)(i) and (ii)
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2010 Supplement)

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

25 **Article 2B – Alcoholic Beverages**

26 11–403.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) (I) In the jurisdictions in which this subsection is applicable, it
2 is unlawful for anyone to sell or for any licensed dealer to deliver, give away or
3 otherwise dispose of any alcoholic beverages on Sunday.

4 (II) Any person selling or any licensed dealer delivering, giving
5 away or otherwise disposing of such beverages in such jurisdictions on Sundays is
6 guilty of a misdemeanor and shall be fined not more than \$50 for the first offense and
7 not more than \$100, or imprisoned in the county jail for not more than 30 days, or both
8 for each succeeding offense.

9 (2) (i) This subsection is applicable to Caroline, Cecil, Dorchester,
10 except as provided in subparagraph (xi) of this paragraph, Garrett, except as provided
11 in paragraph (5) of this subsection, Harford, Kent, Queen Anne's, except as provided in
12 subparagraph (v) of this paragraph, Somerset, Talbot, and Worcester (except as
13 otherwise provided) counties.

14 (ii) It does not apply to or affect special Class C licenses issued
15 under the provisions of this article.

16 (vii) Notwithstanding the other provisions of this section and §
17 11-508 of this title, in Cecil County it is lawful for Class C (on-sale) (clubs) beer, beer
18 and light wine, or beer, wine and liquor licensees to permit the use and consumption of
19 alcoholic beverages between the hours of 8 a.m. [and 11 p.m.] on Sunday **AND 2 A.M.**
20 **THE FOLLOWING DAY**, and it is lawful for all classes of alcoholic beverage license
21 holders to sell alcoholic beverages between 12 midnight and 2 a.m. on Sundays.

22 11-508.

23 (a) (1) (I) **THIS PARAGRAPH DOES NOT APPLY TO A CLASS EF**
24 **LICENSE ISSUED UNDER § 6-201 OF THIS ARTICLE.**

25 (II) In Cecil County, notwithstanding any other provisions of
26 this subtitle, the hours during which sales of any alcoholic beverages may be made
27 under any class of license issued under this article on any day, Monday through
28 Saturday, are from 6 a.m. [daily] to 2 a.m. [on] the following day.

29 (III) It is unlawful for any person to sell or for any person to
30 consume any alcoholic beverages on any premises licensed under this article between
31 the hours of 2 a.m. and 6 a.m. on any day of the week or at any time on Sunday
32 between 2 a.m. and 8 a.m. It is lawful for Class C "on-sale" (clubs) beer, beer and light
33 wine, or beer, wine and liquor licensees in Cecil County to permit the sale and
34 consumption of alcoholic beverages between the hours of 8 a.m. and 11 p.m. on
35 Sundays and as provided in § 11-402(i) of this article.

1 (2) Subject to paragraph (3) of this subsection, it is lawful for a
2 licensee in Cecil County to sell alcoholic beverages authorized by its license on Sunday
3 during the following hours:

4 (i) For a Class A, **B, BLX, OR C** license, between 8 a.m. and
5 **[11 p.m.] 2 A.M. THE FOLLOWING DAY;**

6 (ii) For a Class B license or a Class BLX beer, wine and liquor
7 license, between 8 a.m. and 11 p.m.; and

8 (iii) For a Class D license, between 1 p.m. and **[10 p.m.] 2 A.M.**
9 **THE FOLLOWING DAY.**

10 (3) (i) Except for a holder of a Class BLX, **EF, OR C** beer, wine
11 and liquor license, a licensee who seeks to sell alcoholic beverages within the times
12 allowed under paragraph (2) of this subsection must first pay an additional license fee
13 of \$500.

14 (ii) “On-sales” may be conducted within the times allowed
15 under paragraph (2) of this subsection **AND § 6-201 OF THIS ARTICLE** only by a
16 licensee who is:

17 1. A restaurant, as defined under subsection (b) of this
18 section; **[or]**

19 2. A holder of a Class BLX beer, wine and liquor license;

20 **3. A HOLDER OF A CLASS C LICENSE; OR**

21 **4. A HOLDER OF A CLASS EF LICENSE.**

22 (b) For the purpose of subsection (a) of this section, “restaurant” means a
23 business establishment for the accommodation of the public:

24 (1) That is fully equipped with a proper and adequate dining room and
25 with sufficient facilities for preparing and serving meals;

26 (2) That has been approved by the Board of License Commissioners of
27 Cecil County; and

28 (3) Wherein the average annual receipts from the sale of food comprise
29 at least 25% of the average receipts of the business.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2011.