

SENATE BILL 349

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CF HB 275

By: **Senators Colburn and Mathias**

Introduced and read first time: January 24, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County Liquor Act of 2013**

3 FOR the purpose of creating in Wicomico County a refillable container license;
4 authorizing the Board of License Commissioners to issue the license to a holder
5 of any class of alcoholic beverages license issued by the Board except a Class C
6 license, Class D license, Class B–Conference Center license, or Class B–Stadium
7 license; authorizing the holder of the license to sell draft beer for consumption
8 off the licensed premises in a certain refillable container; requiring a refillable
9 container to meet certain requirements; requiring an applicant for the license to
10 complete a certain form and pay a certain fee; requiring that certain applicants
11 meet certain advertising, posting of notice, and public hearing requirements;
12 specifying the term of the license; requiring that receipts collected under the
13 license be included in a certain calculation of average daily receipts; specifying
14 the hours of sale for the license; allowing a holder of the license to refill only a
15 refillable container that was branded by the license holder; authorizing the
16 Board to adopt certain regulations related to the license; authorizing the holder
17 of a Class B–Stadium license to sell certain alcoholic beverages in aluminum
18 containers under certain circumstances; increasing the total number of days
19 during which beer, wine, or beer and wine sampling or tasting events may be
20 held during a period for which a certain license is in effect; repealing a certain
21 requirement that the Board determine the time by which establishments shall
22 cease serving alcoholic beverages on a certain date; extending the hours for
23 which alcoholic beverages may be sold on Sundays under certain circumstances;
24 exempting a certain holder of a refillable container license from a prohibition on
25 refilling a certain container, under certain circumstances; making stylistic
26 changes; and generally relating to alcoholic beverages in Wicomico County.

27 BY repealing and reenacting, with amendments,

28 Article 2B – Alcoholic Beverages

29 Section 7–101(w), 8–223, 8–412(f), 11–402(x), 11–523(c), and 12–113(c)

30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2011 Replacement Volume and 2012 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article 2B – Alcoholic Beverages
4 Section 8–412(a), (b), and (c)
5 Annotated Code of Maryland
6 (2011 Replacement Volume and 2012 Supplement)

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

9 **Article 2B – Alcoholic Beverages**

10 7–101.

11 (w) (1) This subsection applies only in Wicomico County.

12 (2) (i) The Board of License Commissioners may issue a special
13 Class C beer, beer and wine, or beer, wine and liquor license.

14 (ii) A special license entitles the holder to exercise any of the
15 privileges conferred by that class of license at a bona fide entertainment event held by
16 a fire department in the county.

17 [(3)] (III) An applicant for a special license shall sign and submit to
18 the Board of License Commissioners an application in the form that the Board
19 provides.

20 [(4)] (IV) The annual fee for a special license is:

21 [(i)] 1. \$400, for not more than 10 days;

22 [(ii)] 2. \$800, for at least 11 but not more than 20 days;

23 [(iii)] 3. \$1,000, for at least 21 but not more than 30 days; and

24 [(iv)] 4. \$1,100, for at least 31 but not more than 40 days.

25 [(5)] (V) The total number of days during which a special license may
26 be used may not exceed 40 in a calendar year.

27 [(6)] (VI) A license holder shall notify the Board of License
28 Commissioners in writing at least 7 days before each day when the license is to be
29 used.

1 **[(7)] (VII)** The Board of License Commissioners may issue only one
2 multiple event license to a license holder in a licensed year.

3 **[(8)] (VIII)** This subsection does not prevent a fire department from
4 obtaining a single event special Class C license authorized elsewhere under this
5 section.

6 **(3) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**
7 **REFILLABLE CONTAINER LICENSE TO A HOLDER OF ANY CLASS OF ALCOHOLIC**
8 **BEVERAGES LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE,**
9 **CLASS D LICENSE, CLASS B-CONFERENCE CENTER LICENSE, OR CLASS**
10 **B-STADIUM LICENSE.**

11 **(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,**
12 **A REFILLABLE CONTAINER LICENSE ENTITLES THE HOLDER TO SELL DRAFT**
13 **BEER FOR CONSUMPTION OFF THE LICENSED PREMISES IN A REFILLABLE**
14 **CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE**
15 **THAN 128 OUNCES.**

16 **(III) TO BE USED AS A REFILLABLE CONTAINER UNDER**
17 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONTAINER SHALL:**

18 **1. BE SEALABLE;**

19 **2. BE BRANDED WITH AN IDENTIFYING MARK OF**
20 **THE LICENSE HOLDER;**

21 **3. BEAR THE FEDERAL HEALTH WARNING**
22 **STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27**
23 **C.F.R. 16.21;**

24 **4. DISPLAY INSTRUCTIONS FOR CLEANING THE**
25 **CONTAINER; AND**

26 **5. BEAR A LABEL STATING THAT:**

27 **A. CLEANING THE CONTAINER IS THE**
28 **RESPONSIBILITY OF THE CONSUMER; AND**

29 **B. THE CONTENTS OF THE CONTAINER ARE**
30 **PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED**
31 **WITHIN 48 HOURS AFTER PURCHASE.**

1 **(IV) BEFORE THE BOARD ISSUES A REFILLABLE CONTAINER**
 2 **LICENSE TO AN APPLICANT:**

3 1. **THE APPLICANT SHALL:**

4 A. **COMPLETE THE FORM THAT THE BOARD**
 5 **PROVIDES; AND**

6 B. **PAY AN ANNUAL LICENSE FEE OF \$500; AND**

7 2. **AN APPLICANT WHO HOLDS A LICENSE WITHOUT**
 8 **AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF**
 9 **NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE LICENSE**
 10 **THAT THE APPLICANT HOLDS.**

11 **(V) THE TERM OF THE REFILLABLE CONTAINER LICENSE**
 12 **ISSUED TO A SUCCESSFUL APPLICANT IS THE SAME AS THAT OF THE LICENSE**
 13 **THAT THE APPLICANT HOLDS.**

14 **(VI) RECEIPTS COLLECTED UNDER A REFILLABLE**
 15 **CONTAINER LICENSE ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE**
 16 **DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS B**
 17 **RESTAURANT LICENSE, CLASS B HOTEL LICENSE, AND CLASS B GOLF COURSE**
 18 **LICENSE.**

19 **(VII) THE HOURS OF SALE FOR A REFILLABLE CONTAINER**
 20 **LICENSE:**

21 1. **BEGIN AT THE SAME TIME AS THOSE FOR THE**
 22 **LICENSE ALREADY HELD BY THE PERSON TO WHOM THE REFILLABLE**
 23 **CONTAINER LICENSE IS ISSUED; AND**

24 2. **END AT MIDNIGHT.**

25 **(VIII) A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE**
 26 **CONTAINER THAT WAS BRANDED BY THE LICENSE HOLDER.**

27 **[(9)](4)** The Board of License Commissioners may adopt regulations
 28 to carry out this subsection.

29 8-223.

30 (a) This section applies only in Wicomico County.

1 (b) The Board of License Commissioners may issue a Class B beer and light
2 wine on-sale (stadium) license to the owner of any professional baseball team
3 franchise, whether the franchise is a partnership or a corporation.

4 (c) The license authorizes the holder to sell beer and, if sold with [meals]
5 **FOOD**, light wine at the stadium:

6 (1) For consumption only on the licensed premises;

7 (2) In plastic, Styrofoam, [or] paper, **OR ALUMINUM** containers on the
8 stadium premises, except that glass containers may be used in an enclosed dining
9 premises in which the patrons are seated;

10 (3) To persons present:

11 (i) At the baseball game in which the licensee's team is playing;
12 or

13 (ii) At other events that are held at the stadium; and

14 (4) During the hours and days for sale specified in § 11-523(c)(8) of
15 this article.

16 (d) The annual license fee is \$2,000.

17 (e) Except for a distributor of beer who is conducting business with the
18 licensee for the purposes of this section, the licensee may not permit any person to
19 carry any alcoholic beverages onto or from the licensed premises.

20 (f) (1) This license may be issued only for a stadium that has the average
21 daily receipts from the sale of food for each month exceed the average daily receipts
22 from the sale of alcoholic beverages.

23 (2) In calculating average daily receipts from the sale of food, an
24 allocation of foodstuff contained in a mixed drink may not be included in average daily
25 receipts from the sale of food.

26 8-412.

27 (a) In this section, "license" means a beer tasting (BT) license, a wine tasting
28 (WT) license, or a beer/wine tasting (BWT) license.

29 (b) This section applies only in Wicomico County.

30 (c) (1) The Board of License Commissioners may issue a:

31 (i) Beer tasting (BT) license for beer tasting and sampling;

1 (ii) Wine tasting (WT) license for wine tasting and sampling;
2 and

3 (iii) Beer/wine tasting (BWT) license for beer or wine tasting and
4 sampling.

5 (2) A license may be issued only to a holder of a Class A beer and wine
6 (off-sale) license or a Class A beer, wine and liquor (off-sale) license.

7 (f) (1) An individual may be served, for sampling or tasting purposes, not
8 more than:

9 (i) 1 ounce of wine from each brand; or

10 (ii) 3 ounces of beer from each brand.

11 (2) A maximum of:

12 (i) Six bottles of wine may be open at any one time at a wine or
13 beer and wine sampling or tasting event; or

14 (ii) Six containers of beer may be open at any one time at a beer
15 or beer and wine sampling or tasting event.

16 (3) The total number of days during which beer, wine, or beer and
17 wine sampling or tasting events **[are] MAY BE** held may not exceed **[20] 50** in any
18 period for which a license is in effect.

19 (4) A license holder shall notify the Board of License Commissioners in
20 writing at least 5 days before a beer, wine, or beer and wine sampling or tasting event.

21 (5) Once opened, each bottle or container used for a beer, wine, or beer
22 and wine sampling or tasting event shall be marked that it is to be used for that
23 purpose only.

24 (6) The contents of each bottle or container may not be mixed with any
25 other bottle or container, and all bottles and containers shall be destroyed once they
26 are empty.

27 11-402.

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

29 (2) The Board of License Commissioners shall determine the hour at
30 which establishments serving alcoholic beverages must cease sales on **[New Year's**

1 Eve Day and on] New Year's Day morning regardless of the day of the week on which
2 [December 31 and] January 1 [fall] FALLS.

3 11-523.

4 (c) The days and hours for the sale of alcoholic beverages are:

5 (1) For a Class B "on-sale" hotel and restaurant beer, wine and liquor
6 license:

7 (i) Monday through Saturday from 10 a.m. to 2 a.m. on the
8 following day; and

9 (ii) Sunday from [12:30 p.m.] **10 A.M.** to 12 midnight (and then
10 only for consumption by patrons seated on the premises).

11 (2) For a Class C "on-sale" club beer, wine and liquor license:

12 (i) Monday through Saturday from 10 a.m. to 2 a.m. on the
13 following day; and

14 (ii) Sunday from 12:30 p.m. to 12 midnight (provided that under
15 the Sunday licenses the sale or disposal of any alcoholic beverages is permitted only
16 for consumption by patrons seated on the premises).

17 (3) For a Class B hotel and restaurant beer license:

18 (i) On-sale:

19 1. Monday through Saturday from 6 a.m. to 2 a.m. the
20 following day; and

21 2. Sunday from [12:30 p.m.] **10 A.M.** to 12 midnight,
22 provided that the sale of alcoholic beverages on Sunday is only permitted for
23 consumption by patrons who are seated on the premises; and

24 (ii) Off-sale on any day from 6 a.m. to 12 midnight.

25 (4) For a Class B hotel and restaurant beer and light wine license:

26 (i) On-sale:

27 1. Monday through Saturday from 6 a.m. to 2 a.m. the
28 following day; and

1 2. Sunday from [12:30 p.m.] **10 A.M.** to 12 midnight,
2 provided that the sale of alcoholic beverages on Sunday is only permitted for
3 consumption by patrons who are seated on the premises; and

4 (ii) Off-sale on any day from 6 a.m. to 12 midnight.

5 (5) For a 6-day Class D beer and light wine license:

6 (i) On-sale, Monday through Saturday from 6 a.m. to 2 a.m.
7 the following day; and

8 (ii) Off-sale, Monday through Saturday from 6 a.m. to 12
9 midnight.

10 (6) For a 7-day Class D beer and light wine license:

11 (i) On-sale:

12 1. Monday through Saturday from 6 a.m. to 2 a.m. the
13 following day; and

14 2. Sunday from 12:30 p.m. to 12 midnight, provided that
15 the sale of alcoholic beverages is only permitted for consumption by patrons who are
16 seated on the premises; and

17 (ii) Off-sale any day from 6 a.m. to 12 midnight.

18 (7) For a Class [GC (golf course)] **B** beer, wine and liquor (**GOLF**
19 **COURSE**) license:

20 (i) Monday through Saturday from 10 a.m. to 2 a.m. the
21 following day; and

22 (ii) Sunday from [12:30 p.m.] **10 A.M.** to 12 midnight.

23 (8) (i) For a stadium beer and light wine license, except as
24 provided in subitem (ii) of this item:

25 1. Monday through Saturday from 12 noon to 9 p.m.;
26 and

27 2. Sunday from 1 p.m. to 5 p.m.

28 (ii) During baseball games only, alcoholic beverages may not be
29 sold:

30 1. After the beginning of the eighth inning; or

1 2. During a double header game, after the beginning of
2 the sixth inning of the second game.

3 12-113.

4 (c) Except as provided in [§] §§ 7-101(w)(3) AND 8-203(e) of this article, no
5 retail dealer, or agent or employee of such retail dealer shall refill any container of
6 alcoholic beverages with any substance whatsoever after such container has once been
7 emptied of its original contents.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2013.