By: **Delegates Jacobs, Arentz, and Smigiel** Introduced and read first time: January 17, 2014 Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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Kent County - Alcoholic Beverages Act of 2014

3 FOR the purpose of authorizing the Board of License Commissioners for Kent County 4 to issue a beer or wine tasting (BWT) license to the holder of certain alcoholic $\mathbf{5}$ beverages licenses; providing that a BWT license authorizes, for tasting 6 purposes only, the on-premises consumption of certain wine or beer; limiting 7 the amount of beer or wine that the holder of a BWT license may allow to be 8 consumed by a single individual in a single day; prohibiting a BWT license 9 holder from conducting a wine tasting and a beer tasting in a single day; providing for an annual license fee; specifying that the selection of wine or beer 10 offered at a tasting is not limited to wine or beer produced in the State; 11 12authorizing a holder of a BWT license to offer for sale certain beer under certain 13 circumstances; permitting summonses in Kent County to be served by the inspector employed by the Board of License Commissioners; providing that 14certain penalties imposed for violation of the alcoholic beverages laws do not 1516 limit, but are in addition to, other penalties for the same violation and are 17independent of any related court action based on the same violation; authorizing a certain alcoholic beverages inspector to issue a citation in the County; 1819requiring the inspector to complete a training program in the use of arrest 20authority and pertinent police procedures; prohibiting an inspector in the County from carrying a firearm in the performance of the inspector's duties; and 2122generally relating to alcoholic beverages in Kent County.

- 23 BY renumbering
- 24 Article 2B Alcoholic Beverages
- 25 Section 8–408.2
- 26 to be Section 8–408.3
- 27 Annotated Code of Maryland
- 28 (2011 Replacement Volume and 2013 Supplement)
- 29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



1	Article 2B – Alcoholic Beverages			
2	Section 8–408.2			
3	Annotated Code of Maryland			
4	(2011 Replacement Volume and 2013 Supplement)			
5	BY repealing and reenacting, with amendments,			
6	Article 2B – Alcoholic Beverages			
7	Section 16–410(b) and 16–507(p)			
8	Annotated Code of Maryland			
9	(2011 Replacement Volume and 2013 Supplement)			
10	BY repealing and reenacting, with amendments,			
11	Article – Criminal Law			
12	Section 10–119(b)			
13	Annotated Code of Maryland			
14	(2012 Replacement Volume and 2013 Supplement)			
15	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF			
16	MARYLAND, That Section(s) 8–408.2 of Article 2B – Alcoholic Beverages of the			
17	Annotated Code of Maryland be renumbered to be Section(s) 8–408.3.			
18	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland			
19	read as follows:			
20	Article 2B – Alcoholic Beverages			
21	8-408.2.			
22	(A) THIS SECTION APPLIES ONLY IN KENT COUNTY.			
23	(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER OR			
24	WINE TASTING (BWT) LICENSE TO THE HOLDER OF A CLASS A BEER AND WINE			
25	LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.			
26	(C) A BWT LICENSE AUTHORIZES, FOR TASTING PURPOSES ONLY, THE			
27	ON-PREMISES CONSUMPTION OF:			
28	(1) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY			
29	VOLUME; OR			
30	(2) BEER BREWED BY A HOLDER OF A MICRO-BREWERY LICENSE			
31	ISSUED UNDER § 2–208 OF THIS ARTICLE OR AN EQUIVALENT			
32	OUT-OF-STATE LICENSE.			

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A HOLDER OF A BWT LICENSE MAY ALLOW CONSUMPTION BY A 1 **(D)** $\mathbf{2}$ SINGLE INDIVIDUAL IN A SINGLE DAY OF: 3 (1) NOT MORE THAN 2 OUNCES OF A GIVEN BRAND AND NOT 4 MORE THAN 4 OUNCES FROM ALL BRANDS OF WINE; OR $\mathbf{5}$ (2) NOT MORE THAN 2 OUNCES OF BEER FROM ANY GIVEN BRAND 6 AND NOT MORE THAN 6 OUNCES FROM ALL BRANDS OF BEER. A BWT LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND 7 **(E)** 8 A BEER TASTING ON THE SAME DAY. 9 **(F)** THE ANNUAL BWT LICENSE FEE IS \$200. 10 (G) THE SELECTION OF WINE OR BEER OFFERED AT A TASTING IS NOT 11 LIMITED TO WINE OR BEER PRODUCED IN THE STATE. THE HOLDER OF A BWT LICENSE MAY OFFER FOR SALE BEER 12**(H)** PERMITTED FOR TASTING IF: 13 14(1) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE SEALED BY THE HOLDER OF THE BWT LICENSE; AND 1516 (2) **UNSOLD BEER IS RETURNED TO THE PROVIDER.** 1716-410.18 (b) (1)For the purpose of all hearings and inquiries which the board is 19 authorized to hold and make, the board may issue summonses for witnesses, and 20administer to them oaths or affirmations. 21All summonses shall be served by the sheriff, except that: (2)(i) 221. In the City of Annapolis, summonses may also be 23served by the Annapolis Police Department; 242.In Anne Arundel County, summonses may also be served by inspectors employed by the Board and by the Anne Arundel County Police 2526Department;

27 3. In Baltimore City, summonses may also be served by
28 inspectors employed by the Board of Liquor License Commissioners for Baltimore City;

4. In Cecil County, summonses may also be served by
 inspectors employed by the Cecil County Board of License Commissioners;

1 In Dorchester County, summonses may also be served 5. $\mathbf{2}$ by the inspector employed by Dorchester County and assigned to the Board of License 3 Commissioners; [and] 4 6. In Harford County, summonses may also be served by $\mathbf{5}$ inspectors employed by the Harford County Liquor Control Board; AND 6 7. IN KENT COUNTY, SUMMONSES MAY ALSO BE 7SERVED BY THE INSPECTOR EMPLOYED BY THE KENT COUNTY BOARD OF 8 LICENSE COMMISSIONERS. 9 If any witness summoned refuses or neglects to attend, or if (ii) attending, refuses to testify, the official issuing the summons shall report the facts to 10 the circuit court for the county. The court shall proceed by attachment against the 11 12witness in all respects as if the witness summoned to appear in the court in a case 13 pending before it had neglected or refused to do so. 1416 - 507.15(p) (1)This subsection applies only in Kent County. 16 (2)Except as provided otherwise, the Board of License Commissioners 17 may impose the following penalties for a violation of any provision of this article: 18(i) For the first offense: 1. 19Suspension of the license; 202.Closure of the place of business for not more than 15 21days; and 223. A fine not exceeding \$1,000; 23For the second offense: (ii) 241. Suspension of the license; 252.Closure of the place of business for not more than 30 days; and 26273. A fine not exceeding \$2,000; 28(iii) For the third or subsequent offense: 29Suspension of the license: 1.

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$\frac{1}{2}$	days; and	2.	Closure of the place of business for not more than 90	
3		3.	A fine not exceeding \$2,500; and	
4 5	(iv) previous offenses:	For	a third offense that is the same as either of the 2	
6		1.	Revocation of the license;	
7		2.	Prohibition of licensure of the violator; and	
8 9	not more than 1 year fro	3. m the	Prohibition of licensure of the premises for a period of date of the revocation of the license.	
10 11	(3) THE SUBSECTION:	PEN	ALTIES PROVIDED IN PARAGRAPH (2) OF THIS	
12 13 14	(I) SPECIFIC OR GENERA ARTICLE; AND		NOT LIMIT, BUT ARE IN ADDITION TO, OTHER NALTIES FOR THE SAME VIOLATION UNDER THIS	
$\begin{array}{c} 15\\ 16 \end{array}$	(II) BASED ON THE SAME V		INDEPENDENT OF ANY RELATED COURT ACTION VION.	
17 18 19 20	[(3)] (4) The Board of License Commissioners shall hear and determine a case within 30 days from the date the violation is reported by an inspector or law enforcement officer. The Board shall make a determination of the case within 15 days after the conclusion of the hearing.			
$\begin{array}{c} 21 \\ 22 \end{array}$	[(4)] (5) of the Board to suspend a		ppeal from the Board's decision may not stay an order se or close a place of business.	
23	Article – Criminal Law			
24	10–119.			
$25\\26$	(b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of § 10–118 of this part may be issued by:			
27	(i)	a pol	ice officer authorized to make arrests;	
28 29 30	(ii) monuments, and recreat the Natural Resources A	tion ar	State forestry reservations, State parks, historic reas, a forest or park warden under § $5-206(a)$ or (b) of and	

1 (iii) subject to paragraphs (2) and (3) of this subsection, in Anne 2 Arundel County, Frederick County, Harford County, **KENT COUNTY**, Montgomery 3 County, Prince George's County, and Talbot County, and only in the inspector's 4 jurisdiction, an alcoholic beverages inspector who investigates license violations under 5 Article 2B of the Code.

6 (2) In Anne Arundel County, Frederick County, Harford County, 7 **KENT COUNTY,** Montgomery County, Prince George's County, and Talbot County, the 8 inspector shall successfully complete an appropriate program of training in the proper 9 use of arrest authority and pertinent police procedures as required by the board of 10 license commissioners.

(3) In Anne Arundel County, Harford County, KENT COUNTY,
 Montgomery County, Prince George's County, and Talbot County, the inspector may
 not carry a firearm in the performance of the inspector's duties.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effectJuly 1, 2014.