

# HOUSE BILL 1097

A2

4lr2279

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By: **Garrett County Delegation**

Introduced and read first time: February 7, 2014

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2014

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

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – Sunday Sales for On-Premises**  
3 **Consumption**

4 FOR the purpose of ~~authorizing the holder of certain alcoholic beverages licenses in~~  
5 ~~Garrett County to sell alcoholic beverages for consumption on the licensed~~  
6 ~~premises on certain Sundays under certain circumstances;~~ submitting ~~this Act~~  
7 to a referendum of the qualified voters of certain election districts and precincts  
8 of election districts in Garrett County the question of whether the holder of  
9 certain alcoholic beverages licenses in Garrett County should be authorized to  
10 sell alcoholic beverages for consumption on the licensed premises on certain  
11 Sundays under certain circumstances; requiring the Board of County  
12 Commissioners and the Board of Supervisors of Elections of Garrett County to  
13 take certain actions regarding the referendum required under this Act;  
14 requiring the County Board of License Commissioners to report certain  
15 information to the Department of Legislative Services by a certain date;  
16 requiring the publishers of the Annotated Code of Maryland to list in the  
17 Annotated Code each district and precinct in Garrett County that has approved  
18 the sale of alcoholic beverages by certain license holders on Sundays; and  
19 generally relating to the sale of alcoholic beverages in Garrett County on  
20 Sundays.

21 BY repealing and reenacting, without amendments,  
22 Article 2B – Alcoholic Beverages  
23 Section 11–512  
24 Annotated Code of Maryland

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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.



(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

11–512.

(a) This section applies only in Garrett County.

(b) (1) Notwithstanding any other provisions of this subtitle and except on Sundays and New Year’s Day, holders of any class of on– or off–sale licenses issued under this article may sell the alcoholic beverages authorized under their respective license from 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized under subsection (c) of this section, at any time on Sunday after 2 a.m.

(2) The provisions of this subsection apply to a holder of a Class E steamboat license issued by the State Comptroller’s Office for use on all State waters located within the county.

(3) However, this section is subject to the provisions of § 11–402(m) of this title regarding sales on New Year’s Eve or New Year’s Day regardless of the day of the week on which December 31 and January 1 fall.

(c) (1) The provisions of this subsection apply in:

(i) Election districts 11 and 15, in which the voters approved Sunday sales in the referendum authorized by law in November 1996; and

(ii) Any other election district or precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales as specified in this subsection.

(2) This subsection only applies to on–premises sales by:

(i) A holder of a Class C service club license; and

(ii) Subject to paragraph (4) of this subsection a holder of a Class B license, special 2–day Class C license, special 6–day Class C license, or special 12–day Class C license; or

(iii) A holder of a Class D license operating an establishment that:

1. Is in a permanent building;

1                   2.     Has a seating capacity at tables, not including seats  
2 at bars or counters, for at least 20 persons;

3                   3.     Is equipped with a full-service commercial kitchen  
4 capable of preparing and serving full-course meals for at least 20 persons at one  
5 seating; and

6                   4.     Is approved by the county Board of License  
7 Commissioners, Department of Public Utilities, Health Department, and Planning and  
8 Land Development Office.

9                   (3)     Sunday sales may begin, where permitted, at 1 p.m. and continue  
10 until 10 p.m.

11                   (4)     (i)     This paragraph does not apply to a holder of a Class C  
12 service club license.

13                   (ii)     Sunday sales may be made only when the consumer places  
14 an order for a meal simultaneously or prior to placing an order for an alcoholic  
15 beverage or the consumer is otherwise entitled to a meal on the premises as part of a  
16 prearranged event, such as a banquet, where the alcoholic beverage is served. Bar or  
17 counter sales may be made as long as the consumer complies with the requirement of  
18 this paragraph.

19                   (5)     In addition to the usual license fee, the holder of a Class C service  
20 club license, Class B license, or Class D license who wants to provide Sunday sales and  
21 who is otherwise eligible to provide Sunday sales under this subsection shall pay an  
22 additional \$250 for the privilege of Sunday sales.

23                   (6)     At the time the Class C service club license, Class B license, or  
24 Class D license is issued, the Board shall charge a \$250 issuing fee.

25                   SECTION 2. AND BE IT FURTHER ENACTED, That ~~before this Act becomes~~  
26 ~~effective it shall first:~~

27                   (1)     in accordance with Article 2B, § 11-512(c)(1)(ii) of the Annotated  
28 Code of Maryland, a question substantially similar to the following shall be submitted  
29 to a referendum of the qualified voters of the following election districts or precincts of  
30 election districts in Garrett County at the general election to be held in November of  
31 2014: 2, 3-1, 3-2, 4, 5, 8-1, 8-2, 10, 12, 13, 14-2, and 16 ~~in Garrett County at the~~  
32 ~~general election to be held in November of 2014:~~

33                   “Do you favor authorizing Sunday sales of alcoholic beverages with a meal, if  
34 applicable, in your election district by holders of Class B, Class C, and Class D  
35 alcoholic beverages licenses, in accordance with Article 2B, § 11-512 of the Annotated  
36 Code of Maryland, from 1 p.m. until 10 p.m. and requiring the payment of additional

1 fees by Class B, Class C, and Class D license holders who wish to sell alcoholic  
2 beverages on Sundays?”.

3           (2)   (i)   The Board of County Commissioners and the Board of  
4 Supervisors of Elections of Garrett County shall do those things necessary and proper  
5 to provide for and hold the referendum required by this section. If a majority of the  
6 votes cast on the question in an election district or a precinct of an election district are  
7 “~~For the referred law Sunday sales of alcoholic beverages” the provisions of this Act,~~  
8 the authority to sell alcoholic beverages on Sundays, in accordance with Article 2B, §  
9 11-512 of the Annotated Code of Maryland, shall become effective in that election  
10 district or precinct on December 15, 2014; but if a majority of the votes cast on the  
11 question in an election district or a precinct of an election district are “Against ~~the~~  
12 ~~referred law Sunday sales of alcoholic beverages” the provisions of this Act are of no~~  
13 ~~effect and null and void,~~ the sale of alcoholic beverages on Sunday shall be prohibited  
14 in that election district or precinct.

15                   (ii)   The Board of Supervisors of Elections of Garrett County  
16 shall notify the State Department of Legislative Services concerning the results of the  
17 referendum required under this section in each election district and precinct of an  
18 election district.

19                   (iii)   The Garrett County Board of License Commissioners shall  
20 provide to the Department of Legislative Services, by December 1, 2014, a complete  
21 list of all election districts and precincts in Garrett County in which Sunday sales of  
22 alcoholic beverages are authorized.

23           SECTION 3. AND BE IT FURTHER ENACTED, That the publishers of the  
24 Annotated Code of Maryland, in consultation with and subject to the approval of the  
25 Department of Legislative Services, shall list, in an annotation to Article 2B, § 11-512  
26 of the Code, each district and precinct in Garrett County in which the voters have  
27 approved the sale of alcoholic beverages on Sundays.

28           SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
29 of Section 2 of this Act and for the sole purpose of providing for the referendum  
30 required by Section 2 of this Act, this Act shall take effect July 1, 2014.