

SENATE BILL 49

A2

(PRE-FILED)

4r0829
CF HB 226

By: **Senator Hershey**

Requested: November 6, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2014

CHAPTER _____

1 AN ACT concerning

2 **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
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;
10 providing for an annual license fee; specifying that the selection of wine or beer
11 offered at a tasting is not limited to wine or beer produced in the State;
12 authorizing 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
14 inspector employed by the Board of License Commissioners; providing that
15 certain penalties imposed for violation of the alcoholic beverages laws do not
16 limit, but are in addition to, other penalties for the same violation and are
17 independent of any related court action based on the same violation; authorizing
18 a certain alcoholic beverages inspector to issue a citation in the County;
19 requiring the inspector to complete a training program in the use of arrest
20 authority and pertinent police procedures; prohibiting an inspector in the
21 County from carrying a firearm in the performance of the inspector's duties; and
22 generally relating to alcoholic beverages in Kent County.

23 BY renumbering

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 Article 2B – Alcoholic Beverages
 2 Section 8–408.2
 3 to be Section 8–408.3
 4 Annotated Code of Maryland
 5 (2011 Replacement Volume and 2013 Supplement)

6 BY adding to
 7 Article 2B – Alcoholic Beverages
 8 Section 8–408.2
 9 Annotated Code of Maryland
 10 (2011 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article 2B – Alcoholic Beverages
 13 Section 16–410(b) and 16–507(p)
 14 Annotated Code of Maryland
 15 (2011 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article – Criminal Law
 18 Section 10–119(b)
 19 Annotated Code of Maryland
 20 (2012 Replacement Volume and 2013 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 22 MARYLAND, That Section(s) 8–408.2 of Article 2B – Alcoholic Beverages of the
 23 Annotated Code of Maryland be renumbered to be Section(s) 8–408.3.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 25 read as follows:

26 **Article 2B – Alcoholic Beverages**

27 **8–408.2.**

28 **(A) THIS SECTION APPLIES ONLY IN KENT COUNTY.**

29 **(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER OR**
 30 **WINE TASTING (BWT) LICENSE TO THE HOLDER OF A CLASS A BEER AND WINE**
 31 **LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.**

32 **(C) A BWT LICENSE AUTHORIZES, FOR TASTING PURPOSES ONLY, THE**
 33 **ON-PREMISES CONSUMPTION OF:**

34 **(1) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY**
 35 **VOLUME; OR**

1 **(2) BEER BREWED BY A HOLDER OF A MICRO BREWERY LICENSE**
2 ~~ISSUED UNDER § 2-208 OF THIS ARTICLE OR AN EQUIVALENT~~
3 ~~OUT OF STATE LICENSE.~~

4 **(D) A HOLDER OF A BWT LICENSE MAY ALLOW CONSUMPTION BY A**
5 **SINGLE INDIVIDUAL IN A SINGLE DAY OF:**

6 **(1) NOT MORE THAN 2 OUNCES OF A GIVEN BRAND AND NOT**
7 **MORE THAN 4 OUNCES FROM ALL BRANDS OF WINE; OR**

8 **(2) NOT MORE THAN 2 OUNCES OF BEER FROM ANY GIVEN BRAND**
9 **AND NOT MORE THAN 6 OUNCES FROM ALL BRANDS OF BEER.**

10 **(E) A BWT LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND**
11 **A BEER TASTING ON THE SAME DAY.**

12 **(F) THE ANNUAL BWT LICENSE FEE IS \$200.**

13 **(G) THE SELECTION OF WINE OR BEER OFFERED AT A TASTING IS NOT**
14 **LIMITED TO WINE OR BEER PRODUCED IN THE STATE.**

15 **(H) THE HOLDER OF A BWT LICENSE MAY OFFER FOR SALE BEER**
16 **PERMITTED FOR TASTING IF:**

17 **(1) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE**
18 **SEALED BY THE HOLDER OF THE BWT LICENSE; AND**

19 **(2) UNSOLD BEER IS RETURNED TO THE PROVIDER.**

20 16-410.

21 (b) (1) For the purpose of all hearings and inquiries which the board is
22 authorized to hold and make, the board may issue summonses for witnesses, and
23 administer to them oaths or affirmations.

24 (2) (i) All summonses shall be served by the sheriff, except that:

25 1. In the City of Annapolis, summonses may also be
26 served by the Annapolis Police Department;

27 2. In Anne Arundel County, summonses may also be
28 served by inspectors employed by the Board and by the Anne Arundel County Police
29 Department;

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

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

5 5. In Dorchester County, summonses may also be served
6 by the inspector employed by Dorchester County and assigned to the Board of License
7 Commissioners; [and]

8 6. In Harford County, summonses may also be served by
9 inspectors employed by the Harford County Liquor Control Board; AND

10 **7. IN KENT COUNTY, SUMMONSES MAY ALSO BE**
11 **SERVED BY THE INSPECTOR EMPLOYED BY THE KENT COUNTY BOARD OF**
12 **LICENSE COMMISSIONERS.**

13 (ii) If any witness summoned refuses or neglects to attend, or if
14 attending, refuses to testify, the official issuing the summons shall report the facts to
15 the circuit court for the county. The court shall proceed by attachment against the
16 witness in all respects as if the witness summoned to appear in the court in a case
17 pending before it had neglected or refused to do so.

18 16-507.

19 (p) (1) This subsection applies only in Kent County.

20 (2) Except as provided otherwise, the Board of License Commissioners
21 may impose the following penalties for a violation of any provision of this article:

22 (i) For the first offense:

23 1. Suspension of the license;

24 2. Closure of the place of business for not more than 15
25 days; and

26 3. A fine not exceeding \$1,000;

27 (ii) For the second offense:

28 1. Suspension of the license;

29 2. Closure of the place of business for not more than 30
30 days; and

31 3. A fine not exceeding \$2,000;

- 1 (iii) For the third or subsequent offense:
- 2 1. Suspension of the license;
- 3 2. Closure of the place of business for not more than 90
- 4 days; and
- 5 3. A fine not exceeding \$2,500; and
- 6 (iv) For a third offense that is the same as either of the 2
- 7 previous offenses:
- 8 1. Revocation of the license;
- 9 2. Prohibition of licensure of the violator; and
- 10 3. Prohibition of licensure of the premises for a period of
- 11 not more than 1 year from the date of the revocation of the license.

12 **(3) THE PENALTIES PROVIDED IN PARAGRAPH (2) OF THIS**

13 **SUBSECTION:**

14 **(I) DO NOT LIMIT, BUT ARE IN ADDITION TO, OTHER**

15 **SPECIFIC OR GENERAL PENALTIES FOR THE SAME VIOLATION UNDER THIS**

16 **ARTICLE; AND**

17 **(II) ARE INDEPENDENT OF ANY RELATED COURT ACTION**

18 **BASED ON THE SAME VIOLATION.**

19 **[(3)] (4)** The Board of License Commissioners shall hear and

20 determine a case within 30 days from the date the violation is reported by an inspector

21 or law enforcement officer. The Board shall make a determination of the case within

22 15 days after the conclusion of the hearing.

23 **[(4)](5)** An appeal from the Board's decision may not stay an order

24 of the Board to suspend a license or close a place of business.

25 **Article – Criminal Law**

26 10–119.

27 (b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation

28 of § 10–118 of this part may be issued by:

- 29 (i) a police officer authorized to make arrests;

1 (ii) in State forestry reservations, State parks, historic
 2 monuments, and recreation areas, a forest or park warden under § 5–206(a) or (b) of
 3 the Natural Resources Article; and

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

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

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

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.