HOUSE BILL 226

A2 4lr1785
CF SB 49

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

A BILL ENTITLED

AN ACT concerning

Kent County – Alcoholic Beverages Act of 2014

FOR the purpose of authorizing the Board of License Commissioners for Kent County to issue a beer or wine tasting (BWT) license to the holder of certain alcoholic beverages licenses; providing that a BWT license authorizes, for tasting purposes only, the on–premises consumption of certain wine or beer; limiting the amount of beer or wine that the holder of a BWT license may allow to be consumed by a single individual in a single day; prohibiting a BWT license 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 offered at a tasting is not limited to wine or beer produced in the State; authorizing a holder of a BWT license to offer for sale certain beer under certain circumstances; permitting summonses in Kent County to be served by the inspector employed by the Board of License Commissioners; providing that certain penalties imposed for violation of the alcoholic beverages laws do not limit, but are in addition to, other penalties for the same violation and are independent of any related court action based on the same violation; authorizing a certain alcoholic beverages inspector to issue a citation in the County; requiring the inspector to complete a training program in the use of arrest authority and pertinent police procedures; prohibiting an inspector in the County from carrying a firearm in the performance of the inspector's duties; and generally relating to alcoholic beverages in Kent County.

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

BY adding to

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

Article 2B – Alcoholic Beverages
Section 8–408.2
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

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

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

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

Article 2B – Alcoholic Beverages

8–408.2.

(A) THIS SECTION APPLIES ONLY IN KENT COUNTY.

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

(C) A BWT LICENSE AUTHORIZES, FOR TASTING PURPOSES ONLY, THE ON–PREMISES CONSUMPTION OF:

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

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

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

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

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

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

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

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

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

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

(2) UNSOLD BEER IS RETURNED TO THE PROVIDER.

16–410.

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

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

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

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

3. In Baltimore City, summonses may also be served by 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;

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

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

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

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

16–507.

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

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

(i) For the first offense:

1. Suspension of the license;

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

3. A fine not exceeding $1,000;

(ii) For the second offense:

1. Suspension of the license;

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

3. A fine not exceeding $2,000;

(iii) For the third or subsequent offense:

1. Suspension of the license;

2. Closure of the place of business for not more than 90 days; and

3. A fine not exceeding $2,500; and

(iv) For a third offense that is the same as either of the 2 previous offenses:

1. Revocation of the license;

2. Prohibition of licensure of the violator; and

3. Prohibition of licensure of the premises for a period of not more than 1 year from the date of the revocation of the license.

(3) THE PENALTIES PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:

(I) DO NOT LIMIT, BUT ARE IN ADDITION TO, OTHER SPECIFIC OR GENERAL PENALTIES FOR THE SAME VIOLATION UNDER THIS ARTICLE; AND

(II) ARE INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.

[(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.

[(4)**](5)** An appeal from the Board's decision may not stay an order of the Board to suspend a license or close a place of business.

Article – Criminal Law

10–119.

(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:

(i) a police officer authorized to make arrests;

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

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

(2) In Anne Arundel County, Frederick County, Harford County, **KENT COUNTY,** Montgomery County, Prince George's County, and Talbot County, the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of 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 effect July 1, 2014.