

SENATE BILL 361

A2

~~EMERGENCY BILL~~

5lr1819

By: **Calvert County Senators**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2015

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Alcoholic Beverages – Bottle Clubs – ~~Prohibited~~**

3 FOR the purpose of defining a ~~“bottle club”~~ bottle club in Calvert County to mean ~~certain~~
4 ~~establishments where certain persons undertake certain activities under certain~~
5 ~~circumstances; prohibiting a person from operating a bottle club in the county;~~
6 ~~prohibiting certain activities with respect to alcoholic beverages at a bottle club in~~
7 ~~the county; providing that certain entities may not be considered a bottle club for~~
8 ~~certain purposes under certain conditions; providing a certain penalty for a violation~~
9 ~~of this Act; making this Act an emergency measure; an establishment that is a~~
10 certain type of restaurant or nightclub; prohibiting a bottle club in the county from
11 giving, serving, dispensing, keeping, or allowing to be consumed on its premises, or
12 on premises under its control or possession, any alcoholic beverages; and generally
13 relating to alcoholic beverages in Calvert County.

14 BY repealing and reenacting, with amendments,
15 Article 2B – Alcoholic Beverages
16 Section 20–103.1
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2014 Supplement)

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

21 **Article 2B – Alcoholic Beverages**

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 20-103.1.

2 (a) ~~IN THIS SECTION, "BOTTLE CLUB" MEANS:~~

3 ~~(1) A RESTAURANT OR EATERY:~~

4 ~~(i) THAT:~~

5 ~~1. IS NOT LICENSED UNDER THIS ARTICLE;~~

6 ~~2. SERVES, GIVES, OR DISPENSES AN ALCOHOLIC~~
7 ~~BEVERAGE TO A MEMBER OR GUEST;~~

8 ~~3. KEEPS AN ALCOHOLIC BEVERAGE FOR A MEMBER OR~~
9 ~~GUEST; AND~~

10 ~~4. ALLOWS A MEMBER OR GUEST ON ITS PREMISES TO~~
11 ~~CONSUME AN ALCOHOLIC BEVERAGE THAT THE MEMBER OR GUEST RESERVES OR~~
12 ~~PURCHASES OR THAT THE MEMBER OR GUEST BRINGS TO THE PREMISES; AND~~

13 ~~(ii) WHERE A PATRON IS SERVED, GIVEN, OR ALLOWED TO~~
14 ~~CONSUME AN ALCOHOLIC BEVERAGE AFTER LEGAL CLOSING HOURS FROM A~~
15 ~~SUPPLY THAT THE PATRON HAS PREVIOUSLY PURCHASED OR RESERVED; OR~~

16 ~~(2) A NIGHTCLUB:~~

17 ~~(i) THAT:~~

18 ~~1. IS NOT LICENSED UNDER THIS ARTICLE;~~

19 ~~2. PROVIDES OR OFFERS ANY FORM OF~~
20 ~~ENTERTAINMENT TO THE MEMBERS OF THE NIGHTCLUB OR TO THE PUBLIC;~~

21 ~~3. SERVES, GIVES, OR DISPENSES AN ALCOHOLIC~~
22 ~~BEVERAGE TO A MEMBER OR GUEST;~~

23 ~~4. KEEPS AN ALCOHOLIC BEVERAGE FOR A MEMBER OR~~
24 ~~GUEST; AND~~

25 ~~5. ALLOWS A MEMBER OR GUEST ON THE PREMISES OF~~
26 ~~THE NIGHTCLUB TO CONSUME AN ALCOHOLIC BEVERAGE THAT THE MEMBER OR~~
27 ~~GUEST RESERVES OR PURCHASES OR THAT THE MEMBER OR GUEST BRINGS TO THE~~
28 ~~PREMISES; AND~~

~~(H) WHERE A PATRON IS SERVED, GIVEN, OR ALLOWED TO CONSUME AN ALCOHOLIC BEVERAGE AFTER LEGAL CLOSING HOURS FROM A SUPPLY THAT THE PATRON HAS PREVIOUSLY PURCHASED OR RESERVED.~~

~~(B)~~ This section applies only in Calvert County.

(B) IN CALVERT COUNTY, A BOTTLE CLUB IS EXPLICITLY DEFINED AS, AND LIMITED TO, AN ESTABLISHMENT THAT IS:

(1) A RESTAURANT THAT ACCOMMODATES THE PUBLIC AND IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; OR

(2) A NIGHTCLUB THAT OFFERS TO THE PUBLIC MUSIC, DANCING, OR OTHER NIGHTTIME ENTERTAINMENT.

~~[(b)] (C) [(1) [Except as provided in paragraph (2) of this subsection, an] AN establishment that is A BOTTLE CLUB AND IS not licensed by the Board of License Commissioners] ~~A PERSON~~ may not ~~give~~;~~

~~(1) OPERATE A BOTTLE CLUB IN THE COUNTY; OR~~

~~(2) GIVE, serve, dispense, keep, or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages AT A BOTTLE CLUB IN THE COUNTY.~~

~~[(2)] (D) A volunteer fire department, rescue squad, or emergency medical services organization ~~[may conduct] THAT CONDUCTS~~ no more than four events each year to which individuals may bring alcoholic beverages to be consumed on the premises or on premises under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization ~~MAY NOT BE CONSIDERED A BOTTLE CLUB FOR PURPOSES OF THIS SECTION.~~~~

~~[(c)] (E) (D) A person that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 2 years or both.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye-a-nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted~~ shall take effect July 1, 2015.