

# SENATE BILL 922

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51r3099  
CF HB 1271

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By: **Senator Serafini**

Introduced and read first time: March 9, 2015

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 16, 2015

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2015

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

1 AN ACT concerning

2 **City of Hagerstown – Alcoholic Beverages – Outdoor Festivals and Street**  
3 **Festival Licenses**

4 FOR the purpose of authorizing the ~~consumption of alcoholic beverages outdoors in certain~~  
5 ~~portions of certain streets in the City of Hagerstown if the consumption occurs during~~  
6 ~~a certain street festival and the alcoholic beverages are purchased from a certain~~  
7 ~~establishment; defining a certain term; Washington County Board of License~~  
8 Commissioners to issue a special Class C (on-sale) beer and wine street festival  
9 license to a not-for-profit club, society, association, or organization; specifying that  
10 the license entitles the holder to exercise the privileges of the license at a certain  
11 entertainment event that is held in a certain district and approved by the Mayor of  
12 Hagerstown and the Hagerstown City Council; providing for the fee and application  
13 for the license; requiring the license holder to distribute a wristband to certain  
14 individuals and prohibiting the license holder from serving an alcoholic beverage to  
15 an individual who does not wear the wristband; providing for a certain penalty;  
16 prohibiting the number of days authorized by the license from exceeding a certain  
17 total; authorizing the Board to adopt certain regulations; exempting an applicant for  
18 the license from certain restrictions; allowing an individual under certain  
19 circumstances to purchase beer or wine from a certain license holder, transport the  
20 beer or wine to the premises of certain other license holders, and consume the beer  
21 or wine in a certain area; and generally relating to alcoholic beverages in the City of  
22 Hagerstown.

23 BY repealing and reenacting, with amendments,

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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.



1 Article 2B – Alcoholic Beverages  
 2 Section 7–101(b)(12) and 12–107(b)(2)  
 3 Annotated Code of Maryland  
 4 (2011 Replacement Volume and 2014 Supplement)

5 BY adding to  
 6 Article 2B – Alcoholic Beverages  
 7 Section ~~9–222.1~~ 7–101(t)(4) and 12–107(b)(11)  
 8 Annotated Code of Maryland  
 9 (2011 Replacement Volume and 2014 Supplement)

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

12 **Article 2B – Alcoholic Beverages**

13 ~~9–222.1.~~

14 ~~(A) IN THIS SECTION, “FESTIVAL LOCATION” MEANS THE FOLLOWING~~  
 15 ~~PORTIONS OF STREETS IN THE CITY OF HAGERSTOWN:~~

16 ~~(1) POTOMAC STREET, FROM FRANKLIN STREET TO ANTIETAM~~  
 17 ~~STREET; AND~~

18 ~~(2) WASHINGTON STREET, FROM LOCUST STREET TO SUMMIT~~  
 19 ~~AVENUE/JONATHAN STREET.~~

20 ~~(B) A PERSON MAY CONSUME BEER, WINE, OR LIQUOR OUTDOORS IN THE~~  
 21 ~~FESTIVAL LOCATION IF:~~

22 ~~(1) THE CONSUMPTION OCCURS DURING A STREET FESTIVAL DURING~~  
 23 ~~WHICH THE CITY OF HAGERSTOWN CLOSES THE FESTIVAL LOCATION TO~~  
 24 ~~VEHICULAR TRAFFIC; AND~~

25 ~~(2) THE BEER, WINE, OR LIQUOR IS PURCHASED FROM AN~~  
 26 ~~ESTABLISHMENT:~~

27 ~~(i) LOCATED IN THE FESTIVAL LOCATION; AND~~

28 ~~(ii) FOR WHICH AN ALCOHOLIC BEVERAGES LICENSE HAS BEEN~~  
 29 ~~ISSUED.~~

30 7–101.

31 (b) (12) In Washington County:

1           (i)     The fee for a special Class C beer license is \$15 per day; [and]

2           (ii)    The fee for a special Class C beer and light wine license is \$25  
3 per day; AND

4           (III)   THE FEE FOR A SPECIAL CLASS C BEER AND WINE STREET  
5 FESTIVAL LICENSE IS \$30 PER DAY.

6           (t)     (4)    (I)     THE WASHINGTON COUNTY BOARD OF LICENSE  
7 COMMISSIONERS MAY ISSUE A SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET  
8 FESTIVAL LICENSE.

9                   (II)   THE LICENSE MAY BE ISSUED TO A NOT-FOR-PROFIT CLUB,  
10 SOCIETY, ASSOCIATION, OR ORGANIZATION.

11                   (III)   THE LICENSE ENTITLES THE HOLDER TO EXERCISE ANY OF  
12 THE PRIVILEGES CONFERRED BY THAT CLASS OF LICENSE AT A BONA FIDE  
13 ENTERTAINMENT EVENT THAT IS:

14                           1.     HELD IN THE ARTS AND ENTERTAINMENT DISTRICT  
15 IN HAGERSTOWN; AND

16                           2.     APPROVED BY THE MAYOR OF HAGERSTOWN AND  
17 THE HAGERSTOWN CITY COUNCIL.

18                   (IV)   THE APPLICATION SHALL BE ON FORMS PROVIDED BY THE  
19 BOARD AND MADE UNDER OATH BY THE APPLICANT.

20                   (V)     THE FEE SHALL BE PAID BEFORE A LICENSE IS ISSUED.

21                   (VI)   A HOLDER OF A SPECIAL CLASS C (ON-SALE) BEER AND  
22 WINE STREET FESTIVAL LICENSE:

23                           1.     AT THE EVENT FOR WHICH THE LICENSE IS ISSUED,  
24 SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS  
25 OLD; AND

26                           2.     MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO ANY  
27 INDIVIDUAL WHO DOES NOT WEAR THE WRISTBAND.

28                   (VII)   A PERSON WHO VIOLATES SUBPARAGRAPH (VI) OF THIS  
29 PARAGRAPH IS SUBJECT TO:

30                           1.     FOR THE FIRST OFFENSE, A FINE OF \$250; AND

1                                   **2. FOR THE SECOND OFFENSE, A FINE NOT EXCEEDING**  
 2 **\$1,000 AND DENIAL OF FURTHER REQUESTS FOR SPECIAL CLASS C (ON-SALE) BEER**  
 3 **AND WINE STREET FESTIVAL LICENSES.**

4                                   **(VIII) THE TOTAL NUMBER OF DAYS AUTHORIZED BY THE**  
 5 **SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE MAY NOT**  
 6 **EXCEED 26 IN ANY CALENDAR YEAR.**

7                                   **(IX) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**  
 8 **REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS PARAGRAPH.**

9                                   **(X) THE PROVISIONS OF §§ 10-103(B) AND 10-202 OF THIS**  
 10 **ARTICLE AND § 3-102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN**  
 11 **APPLICANT FOR THE SPECIAL CLASS C BEER LICENSE, THE SPECIAL CLASS C BEER**  
 12 **AND WINE LICENSE, OR THE SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET**  
 13 **FESTIVAL LICENSE.**

14                                   **(XI) THIS PARAGRAPH DOES NOT PREVENT A HOLDER OF A**  
 15 **SPECIAL CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE FROM**  
 16 **HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR**  
 17 **NATURE.**

18 12-107.

19           (b)   (2)   Except as provided in [paragraph (10)] PARAGRAPHS (10) AND (11)  
 20 of this subsection, it shall be unlawful for any person to drink on the licensed premises of  
 21 any license holder any alcoholic beverages not purchased from the license holder on said  
 22 premises and not permitted by this article to be consumed on the premises; and it shall be  
 23 unlawful for any license holder to permit any person to drink any alcoholic beverage not  
 24 purchased from the said license holder on the premises covered by the license which he  
 25 holds and not permitted by this article to be consumed on the premises.

26                                   **(11) DURING A BONA FIDE ENTERTAINMENT EVENT HELD IN THE ARTS**  
 27 **AND ENTERTAINMENT DISTRICT IN HAGERSTOWN AND APPROVED BY THE MAYOR**  
 28 **AND CITY COUNCIL, AN INDIVIDUAL, WITHIN THE APPROVED EVENT AREA AND IN A**  
 29 **DESIGNATED CONTAINER UNIQUE TO THE EVENT, MAY:**

30                                   **(I) PURCHASE BEER OR WINE FROM THE HOLDER OF A SPECIAL**  
 31 **CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE, OR PURCHASE**  
 32 **BEER OR WINE FROM, AND CONSUME ON THE PREMISES OF, A LICENSE HOLDER**  
 33 **WITH ON-SALE PRIVILEGES WITHIN THE ARTS AND ENTERTAINMENT DISTRICT;**

34                                   **(II) TRANSPORT THE BEER OR WINE IN THE DESIGNATED**  
 35 **CONTAINER TO THE PREMISES OF ANOTHER LICENSE HOLDER WITH ON-SALE**

1 PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT AND WITHIN THE  
2 APPROVED EVENT AREA; AND

3 (III) CONSUME THE BEER OR WINE WITHIN THE ARTS AND  
4 ENTERTAINMENT DISTRICT EVENT AREA AS APPROVED BY THE MAYOR AND CITY  
5 COUNCIL, INCLUDING ON THE PREMISES OF ANY LICENSE HOLDER WITH ON-SALE  
6 PRIVILEGES.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
8 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.