

## Article - Alcoholic Beverages

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§6–401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(2) The annual license fee shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(3) In this section, “Board” means the Board of License Commissioners for the jurisdiction to which the subsection applies.

(b) In Allegany County the annual license fee is \$700.

(c) (1) This subsection applies only in Anne Arundel County.

(2) There are two type Class D beer, wine and liquor licenses:

(i) A limited Class D license which allows for on premises consumption only.

(ii) A Class D license which allows for consumption on premises or elsewhere.

(3) (i) The annual license fee for a limited Class D license is \$1,080.

(ii) The annual license fee for a Class D on– and off–sale license is \$1,200.

(4) The Board, upon the filing of an application for any new Class D beer, wine and liquor license, may limit the sale of alcoholic beverages to consumption only on the premises.

(d) (1) Subject to § 11–503(b)(2) of this article, in Baltimore City the annual license fee is \$825.

(2) In Baltimore City, the hours and days for sale for the license are as provided under § 11–503 of this article.

(e) (1) This subsection applies only in Baltimore County.

(2) The annual license fee is \$1,500.

(3) The area of the licensed premises normally used for the preparation and consumption of alcoholic beverages on the premises may occupy no less than 80 percent of the square foot area. These occupancy requirements do not apply to or affect any present licensee having this license prior to December 31, 1966.

(f) (1) This subsection applies only in Calvert County.

(2) This license may be issued in the entire county.

(3) The annual license fee is:

(i) \$1,250, if the place of business remains open until midnight; or

(ii) \$2,250, if the place of business remains open until 2 a.m.

(g) (1) This subsection applies only in Caroline County.

(2) The annual license fee is \$1,250 for a 6-day license.

(3) The annual license fee is \$1,600 for a 7-day license.

(4) All alcoholic beverages sold under this license must be consumed on the premises.

(5) A licensee may sell beer, wine and liquor for consumption on the premises only.

(h) This section does not apply in Carroll County.

(i) (1) This subsection applies only in Cecil County.

(2) The annual license fee is \$750.

(j) (1) This subsection applies only in Charles County.

(2) The annual license fee:

(i) For on- and off-sale of all alcoholic beverages is \$1,320; and

(ii) For off-sale for liquor and on- or off-sale for beer and wine is \$1,020.

(3) In addition to the annual license fee, a license holder shall annually pay:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

- (k) (1) This subsection applies only in Dorchester County.
- (2) The Board of License Commissioners may issue a Class D (on-sale) beer, wine and liquor license.
- (3) The annual license fee is \$1,500.
- (4) A license issued under this subsection is a 7-day license.
- (5) Alcoholic beverages sold under this subsection may be consumed only on the licensed premises.
- (6) An individual who is under the age of 21 years may not be on the licensed premises.
- (7) In accordance with § 9-201 of this article, only the Board of License Commissioners may decide the number of Class D licenses to be issued.
- (8) The Board of License Commissioners shall:
  - (i) Determine whether the premises for which a Class D license is issued meets the requirements of § 9-210 of this article; and
  - (ii) Adopt regulations to carry out this subsection.
- (l) This section does not apply in Frederick County.
- (m) (1) This subsection applies only in Garrett County.
- (2) (i) There are two types of Class D licenses, neither of which may be issued to any grocery store having a primary business of selling food at retail to the general public for off-premises consumption.
  - (ii) 1. A Class D (on-sale) license for beer, wine and liquor sales shall be issued to establishments whose total beer, wine and liquor sales constitute at least 75 percent on-premises consumption and up to 25 percent off-premises consumption.
  - 2. The Board of License Commissioners may issue a Class D beer, wine and liquor license without or with a catering option.
  - 3. A holder of a Class D beer, wine and liquor license without a catering option may sell beer, wine and liquor for consumption on the licensed premises or elsewhere.
  - 4. In addition to exercising the privileges stated in subparagraph 3 of this subparagraph, a holder of a Class D beer, wine and liquor license with a catering option may keep for sale and sell beer, wine, and liquor for consumption at events that the holder caters off the licensed premises.

5. To exercise the catering option, a holder of a Class D beer, wine and liquor license:

A. Shall provide food if the holder provides alcoholic beverages at a catered event off the licensed premises; and

B. May exercise the catering option only during the hours and days that are allowed by the Board of License Commissioners.

6. For a license without a catering option:

A. The issuing fee for a new license is \$1,500; and

B. The annual fee is \$1,500.

7. For a license with a catering option:

A. The issuing fee for a new license is \$2,000; and

B. The annual fee is \$2,000.

(iii) 1. A Class D (off-sale) license for beer, wine and liquor sales shall be issued to establishments whose total beer, wine and liquor sales constitute at least 75 percent off-premises consumption and up to 25 percent on-premises consumption.

2. A. The annual license fee is \$3,000.

B. The issuing fee for a new license is \$3,000, in addition to the annual fee.

(3) (i) Until July 1, 1995, a holder of an existing Class D alcoholic beverages license prior to July 1, 1987 may apply for a license under paragraph (2) of this subsection using the procedure that the Board establishes.

(ii) If the applicant is granted a license under paragraph (2) of this subsection, the applicant may be exempt from paying the issuing fee as provided under § 9-212(c) of this article. However, the applicant shall pay:

1. The annual license fee for that license; or

2. A. An amount not less than the fee and the surcharge percent amount paid to the Board through December 31, 1986 under the former license, provided the total amount to be paid is not less than \$1,250; or

B. If the applicant's former license was granted after January 1, 1986, an annualized amount based on what was paid to the Board through December 31, 1986 under the applicant's former license provided the total amount is not less than \$1,250.

(4) The Board may grant a license holder a privilege at no charge to sell beer, wine, or liquor for consumption off the licensed premises at a catered event if:

(i) The beer, wine, or liquor is bottled in commemorative or special event bottles and sold at a special event;

(ii) The Board approves the commemorative or special event bottles before the event occurs; and

(iii) The beer, wine, or liquor will be sold at the event only on the days and hours allowed by the Board.

(n) (1) This subsection applies only in Harford County.

(2) Subject to the provisions of this subsection, the Liquor Control Board may issue only to the current holder of any Class B license:

(i) A 7-day (on-sale) Class D license for all alcoholic beverages, with an annual license fee of \$3,000; or

(ii) A 7-day (on- and off-sale) Class D license for all alcoholic beverages, with an annual license fee of \$4,000.

(3) The holder of a Class B license may apply for a Class D license authorized by this subsection.

(4) The Liquor Control Board has sole authority, in accordance with §§ 9-201 and 10-203 of this article, to decide the number of Class D licenses authorized by this subsection to be issued.

(5) Upon the issuance of a Class D license by the Liquor Control Board, the licensee to whom the Class D license is issued shall surrender to the Board the Class B license it held.

(6) The Liquor Control Board shall ensure that any Class D license issued under the authority of this subsection meets the requirements of § 9-213 of this article.

(7) In accordance with § 16-301(a) of this article, the Liquor Control Board shall adopt regulations to carry out this subsection.

(o) (1) This subsection applies only in Howard County.

(2) The Board may issue the following types of licenses:

(i) 1. A 7-day (on-sale) Class D beer, wine and liquor license for on-premises consumption only;

2. The annual license fee is \$1,000;

(ii) 1. A 6-day (on-sale) Class D beer, wine and liquor license for on-premises consumption only;

2. The annual license fee is \$600;

(iii) 1. A 7-day (on- and off-sale) Class D beer, wine and liquor license for on- and off-premises consumption;

2. The annual license fee is \$1,000; or

(iv) 1. A 6-day (on- and off-sale) Class D beer, wine and liquor license for on- and off-premises consumption;

2. The annual license fee is \$800.

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

(2) The Board may issue a Class D beer, wine and liquor license.

(3) The annual license fee is \$1,500.

(4) On Sunday, a licensee may sell only beer and light wine for off-premises consumption.

(5) A person under the age of 21 years is not permitted in a tavern or on the licensed premises of an establishment which has a license issued pursuant to this section.

(6) (i) A person under 21 years of age may not knowingly make any misrepresentation or false statement as to the person's age in order to gain entrance to an establishment licensed under this subsection.

(ii) A police officer or alcoholic beverages inspector shall issue a citation under § 10-119 of the Criminal Law Article to a person who violates the provisions of this paragraph.

(iii) Penalties for offenses of this paragraph are as set forth in § 10-119 of the Criminal Law Article.

(q) (1) This subsection applies only in Montgomery County.

(2) A Class D beer, wine and liquor (on-sale) license may be issued for on-premises consumption.

(3) (i) As a prerequisite for the initial issuance of a license under this subsection, the owner shall attest in a sworn statement that gross receipts from food sales will be at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

1. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

2. From 10 a.m. to 9 p.m. on Sunday.

(ii) As a prerequisite for each renewal of a license issued under this subsection, the owner shall attest in a sworn statement that the gross receipts from food sales for the 12-month period immediately preceding the application for renewal have been at least equal to 40% of the gross receipts from the sale of food and alcoholic beverages:

1. From 9 a.m. to 9 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday; and

2. From 10 a.m. to 9 p.m. on Sunday.

(iii) The Board by regulation shall provide for periodic inspection of the premises and for audits to determine the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages.

(iv) Regulations adopted by the Board shall include a requirement of:

1. At least monthly physical inspections of the premises during the initial license year of any licensee; and

2. The submission by the licensee to the Board, during the initial license year, of monthly statements showing gross receipts from the sale of food and gross receipts from the sale of alcoholic beverages for the immediately preceding month.

(v) 1. If a licensee during the initial license year fails to maintain the sales ratio requirement provided in this paragraph for 3 consecutive months or after the initial license year for each license or calendar year, the Board may revoke the license.

2. The Board may require a licensee to provide supporting data as the Board considers necessary to establish that the requirements of this section relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages have been met.

(4) The annual license fee is \$3,000.

(r) This section does not apply in Prince George's County.

(s) (1) This subsection applies only in Queen Anne's County.

(2) A Class D beer, wine and liquor (on- and limited off-sale) license may be issued for on-premises consumption and the off-sale of beer only.

- (3) The annual license fee is \$1,800.
- (t) (1) This subsection applies only in St. Mary's County.
  - (2) The annual license fee:
    - (i) For a Class D beer, wine and liquor license is \$250; and
    - (ii) For a special Class D beer, wine and liquor license that entitles the holder to sell on Sunday is \$650.
- (u) (1) In Somerset County the annual license fee is \$1,265.
  - (2) Spirituous liquors may be sold for on-sale consumption only, but beer and wine may be sold for both on- and off-sale consumption.
- (v) (1) This section does not apply in Talbot County.
  - (2) Section 18-101 of this article permits the Talbot County Council to provide for the retail alcoholic beverages laws for the county which, if enacted, supersede the provisions of this article.
- (w) In Washington County the annual license fee is \$750.
- (x) (1) This subsection applies only in Wicomico County.
  - (2) (i) There is a Class D beer, wine and liquor tavern license.
  - (ii) The annual license fee is \$2,200.
  - (iii) Any license issued under this paragraph is for 7 days.
  - (iv) In order to qualify for a license under this paragraph, the premises that is the subject of the application shall:
    - 1. Have a minimum seating capacity of 140 persons, not including the bar area or dancing floor area; and
    - 2. Meet the minimum requirements of the fire code applicable to the jurisdiction in which the premises is located.
- (v) Alcoholic beverages sold under this paragraph shall be consumed on the premises only.
- (vi) A person may not be on the premises if the person is under the legal drinking age for the consumption of alcohol in the State.
- (vii) All alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board for Wicomico County and shall be charged

not more than 15% above the wholesale cost to the dispensary.

(3) (i) There is a Class D beer, wine and liquor entertainment and amusement license.

(ii) The annual license fee is \$4,000.

(iii) A license issued under this paragraph is a 7-day license for consumption on the premises only.

(iv) To qualify for a license, the premises that is the subject of the application shall be an entertainment amusement center that:

1. Is a business establishment that accommodates the public;

2. Has a minimum seating capacity of 140 persons, not including the bar area or dancing floor area;

3. Meets the minimum requirements of the fire code applicable for the jurisdiction in which the premises is located;

4. Is fully equipped with a proper and adequate dining room with facilities for preparing and serving regular meals;

5. Excluding the kitchen, has more than 50% of its floor space dedicated to or occupied by equipment for foosball, billiards, darts, virtual reality simulation games, and other games that the Board approves that require the active physical participation of one or more players; and

6. Has an initial capital investment of at least \$300,000, excluding the cost of the land and building.

(v) 1. For purposes of subparagraph (iv)5 of this paragraph, games approved by the Board may not include keno, card games, pinball machines, and bar games.

2. Any floor space occupied by a jukebox or similar passive entertainment device may not be counted in calculating whether the floor space requirements under subparagraph (iv)5 of this paragraph have been met.

(vi) Except for beer and light wine, the license holder shall purchase all of the alcoholic beverages that are sold for consumption on the premises from a county dispensary and may not be charged more than 15% above the wholesale cost to the dispensary.

(vii) An individual who is:

1. Under the age of 21 years may not enter or remain on the

licensed premises after 9 p.m.; and

2. Under the age of 17 years may not enter the licensed premises without a parent or guardian.

(viii) The Board may adopt regulations to carry out this paragraph.

(y) (1) This subsection applies only in Worcester County.

(2) (i) A Class D beer, wine and liquor license may be issued only within:

1. The corporate limits of Ocean City;

2. The boundary lines of the 10th taxing district;

3. The area bounded by U.S. Route 50 to the south, Turville Creek and Herring Creek to the east, St. Martin River to the north, and Maryland Route 589 to the west;

4. The area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west;

5. From the intersection of Maryland Route 589 and U.S. Route 50, an area bounded by a line that extends 1,500 feet south of U.S. Route 50, east to the boundary of the 10th taxing district, north along the 10th taxing district boundary to U.S. Route 50, and west to the intersection of Maryland Route 589 and U.S. Route 50;

6. The corporate limits of the Town of Berlin; or

7. The corporate limits of the Town of Snow Hill.

(ii) The annual license fee for the six-day license set by the Worcester County Commissioners may not be less than \$3,000.

(iii) The annual license fee for the seven-day license set by the Worcester County Commissioners may not be less than \$3,500.

(iv) Seven-day license holders may sell beer, wine and liquor on-sale and off-sale.

(v) All license fees shall go to the general funds of the county. However, if the licensed premises are in a municipal corporation, 75 percent of the fees shall go to that municipal corporation.

(vi) 1. Except as provided in subsubparagraph 2 of this subparagraph, all licensees shall purchase all wines and liquors, except light wine and beer, from the Worcester County Department of Liquor Control. They shall be charged not more than 85 percent of the retail price or any special sale price or discount price,

whichever is lower, set by the Department for wines and liquors. All licensees may purchase beer and light wine from licensed wholesalers.

2. Beginning on July 1, 2014, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15–204(e) of this article.

(vii) The hours for sale are as provided in § 11–524 of this article.

(viii) With respect to the Ocean City Convention Hall, only the Convention Hall Commission and its successors may be issued an alcoholic beverages license. The Commission may permit its vendors to dispense alcoholic beverages pursuant to whatever license the Commission is granted. Further, the Commission may contract to receive some proportion of the revenue derived from the vendor’s sale of alcoholic beverages. This license shall be subject to the following restrictions:

1. This monopoly may not impinge upon the provisions of § 7–101(u)(5) of this article;

2. Only on–sale transactions shall be permitted; and

3. Consumption of alcoholic beverages shall be restricted to the premises.

(3) (i) 1. A. The Board may issue a special 7–day Class D beer, wine and liquor on–sale retail license to the Mayor of Ocean City for use on the premises of the Ocean City municipal golf courses.

B. A separate license is required for each Ocean City municipal golf course.

2. Prior to the issuance of any license under this paragraph, the Mayor shall designate an individual to complete training in an alcohol awareness program approved under § 13–101 of this article.

3. The individual designated by the Mayor shall:

A. Represent the concessionaire; and

B. Be directly involved with the management of the sale of beer, wine, and liquor by the concessionaire.

(ii) The holder may contract with and permit a concessionaire to keep for sale and sell beer, wine, and liquor for on premises consumption only.

(iii) The hours and days of sale under the license are the same as a Class D beer, wine and liquor on–sale license under § 11–524 of this article or during lesser hours specified by the holder.

(iv) A license shall be issued and renewed without charge or an annual fee and may not be transferred.

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