

# HOUSE BILL 1072

A2

(6lr2456)

## ENROLLED BILL

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Delegate Beitzel**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

#### 2 **Garrett County – Alcoholic Beverages – Various Licenses**

3 FOR the purpose of specifying certain annual fees for certain ~~7-day~~ alcoholic beverages  
4 licenses; altering the number of days after the expiration date of a wine festival  
5 license that a holder of a State wholesale, Class 3 winery, or Class 4 limited winery  
6 license may accept returns from a holder of a wine festival license; providing that  
7 the Garrett County Board of License Commissioners is not required to hold a hearing  
8 before issuing certain Class C temporary licenses; and generally relating to alcoholic  
9 beverages in Garrett County.

10 BY repealing and reenacting, without amendments,

11 Article – Alcoholic Beverages

12 Section 21-102, 21-601(a), 21-602(a), 21-604(a), 21-701(a), 21-801(a), 21-802(a),  
13 21-803(a), 21-805(a), 21-902(a), 21-903(a), 21-904(b), 21-905(a)(1),  
14 21-1001(a), 21-1002(a), and 21-1305(a)(1)

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Annotated Code of Maryland  
 2 (As enacted by Chapter \_\_\_\_ (S.B.724) of the Acts of the General Assembly of 2016)

3 BY repealing and reenacting, with amendments,  
 4 Article – Alcoholic Beverages  
 5 Section 21–601(c), 21–602(d), 21–604(c), 21–701(d), 21–801(c), 21–802(d), 21–803(e),  
 6 21–805(e), 21–902(g), ~~21–903(f)~~, 21–904(g), 21–905(e), 21–1001(e),  
 7 21–1002(e), 21–1305(i), 21–1309, and 21–1501  
 8 Annotated Code of Maryland  
 9 (As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

10 BY adding to  
 11 Article – Alcoholic Beverages  
 12 Section 21–602(e), 21–802(e), 21–803(f), 21–805(f), 21–902(h), 21–903(f) and (g), and  
 13 21–905(f)  
 14 Annotated Code of Maryland  
 15 (As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

16 BY repealing  
 17 Article – Alcoholic Beverages  
 18 Section 21–903(f)  
 19 Annotated Code of Maryland  
 20 (As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

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

### 23 Article – Alcoholic Beverages

24 21–102.

25 This title applies only in Garrett County.

26 21–601.

27 (a) There is a Class A beer license.

28 (c) (1) The annual license [fee is] **FEES ARE:**

29 **(I) \$150 FOR A 6–DAY LICENSE; AND**

30 **(II) \$175 FOR A 7–DAY LICENSE.**

31 (2) The ~~new license~~ **BOARD SHALL CHARGE A ONE–TIME** issuing fee ~~is~~  
 32 ~~\$150 and shall be paid in addition~~ **FOR A NEW LICENSE IN AN AMOUNT EQUAL** to the  
 33 annual license fee.

1 21-602.

2 (a) There is a Class B beer license.

3 (d) The ANNUAL LICENSE fees are:

4 (1) **\$150** for a **6-DAY** license without a catering option~~;~~

5 ~~(i) \$150 for a one-time issuing fee; and~~

6 ~~(ii) \$150 for the annual license fee; [and]~~

7 (2) **\$250** for a **6-DAY** license with a catering option~~;~~

8 ~~(i) \$250 for a one-time issuing fee; and~~

9 ~~(ii) \$250 for the annual license fee;~~

10 (3) **\$175** FOR A **7-DAY LICENSE WITHOUT A CATERING OPTION**~~;~~

11 ~~(I) \$175 FOR A ONE-TIME ISSUING FEE; AND~~

12 ~~(II) \$150 FOR THE ANNUAL LICENSE FEE; AND~~

13 (4) **\$275** FOR A **7-DAY LICENSE WITH A CATERING OPTION**~~;~~

14 ~~(I) \$275 FOR A ONE-TIME ISSUING FEE; AND~~

15 ~~(II) \$250 FOR THE ANNUAL LICENSE FEE.~~

16 **(E) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW**  
 17 **LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

18 21-604.

19 (a) There is a Class D beer license.

20 (c) (1) The annual license [fee is] **FEES ARE:**

21 **(I) \$150 FOR A 6-DAY LICENSE; AND**

22 **(II) \$175 FOR A 7-DAY LICENSE.**

(2) The ~~new license issuing fee is \$150 and~~ **BOARD** shall ~~be paid in~~  
 addition **CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT**  
**EQUAL** to the annual license fee.

21-701.

(a) There is a Class A wine license in the County.

(d) (1) The ~~one-time license issuing fee is \$50.~~

~~(2)~~ The annual license [fee is] **FEES ARE:**

(I) \$50 FOR A 6-DAY LICENSE; AND

(II) \$60 FOR A 7-DAY LICENSE.

**(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW**  
**LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-801.

(a) There is a Class A beer and wine license.

(c) (1) The annual license [fee is] **FEES ARE:**

(I) \$350 FOR A 6-DAY LICENSE; AND

(II) \$410 FOR A 7-DAY LICENSE.

(2) The ~~issuing fee for a new license is \$350, in addition~~ **BOARD SHALL**  
**CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL** to the  
 annual license fee.

21-802.

(a) There is a Class B beer and wine license.

(d) **THE ANNUAL LICENSE FEES ARE:**

(1) ~~For~~ **\$350 FOR** a 6-DAY license without a catering option;

(i) ~~the issuing fee for a new license is \$350; and~~

(ii) ~~the annual fee is \$350.~~

1           (2) ~~For~~ \$475 FOR a 6-DAY license with a catering option;

2                   (i) ~~the issuing fee for a new license is \$475; and~~

3                   (ii) ~~the annual fee is \$475.;~~

4           (3) ~~FOR~~ \$410 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION;

5                   (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$410; AND~~

6                   (ii) ~~THE ANNUAL FEE IS \$350.; AND~~

7           (4) ~~FOR~~ \$535 FOR A 7-DAY LICENSE WITH A CATERING OPTION;

8                   (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND~~

9                   (ii) ~~THE ANNUAL FEE IS \$535.~~

10           **(E) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW**  
 11 **LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

12 21-803.

13           (a) There is a Class BDR (deluxe restaurant) beer and wine license.

14           (e) **THE ANNUAL LICENSE FEES ARE:**

15           (1) ~~For~~ \$500 FOR a 6-DAY license without a catering option;

16                   (i) ~~the issuing fee for a new license is \$500; and~~

17                   (ii) ~~the annual fee is \$500.;~~

18           (2) ~~For~~ \$625 FOR a 6-DAY license with a catering option;

19                   (i) ~~the issuing fee for a new license is \$625; and~~

20                   (ii) ~~the annual fee is \$625.;~~

21           (3) ~~FOR~~ \$585 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION;

22                   (i) ~~THE ISSUING FEE FOR A NEW LICENSE IS \$500; AND~~

23                   (ii) ~~THE ANNUAL FEE IS \$585.; AND~~

1 (4) ~~FOR \$710 FOR A 7-DAY LICENSE WITH A CATERING OPTION;~~

2 ~~(I) THE ISSUING FEE FOR A NEW LICENSE IS \$625; AND~~

3 ~~(II) THE ANNUAL FEE IS \$710.~~

4 (F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW  
 5 LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

6 21-805.

7 (a) There is a Class D beer and wine license.

8 (e) THE ANNUAL LICENSE FEES ARE:

9 (1) ~~For \$350 FOR a 6-DAY license without a catering option;~~

10 ~~(i) the issuing fee for a new license is \$350; and~~

11 ~~(ii) the annual fee is \$350;~~

12 (2) ~~For \$475 FOR a 6-DAY license with a catering option;~~

13 ~~(i) the issuing fee for a new license is \$475; and~~

14 ~~(ii) the annual fee is \$475;~~

15 (3) ~~FOR \$410 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION;~~

16 ~~(I) THE ISSUING FEE FOR A NEW LICENSE IS \$350; AND~~

17 ~~(II) THE ANNUAL FEE IS \$410; AND~~

18 (4) ~~FOR \$535 FOR A 7-DAY LICENSE WITH A CATERING OPTION;~~

19 ~~(I) THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND~~

20 ~~(II) THE ANNUAL FEE IS \$535.~~

21 (F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW  
 22 LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

23 21-902.

24 (a) There is a Class B beer, wine, and liquor license.

(g) THE ANNUAL LICENSE FEES ARE:

(1) ~~For \$1,500 FOR a 6-DAY license without the catering option, the annual license fee is \$1,500, and the one-time issuing fee is \$1,500.~~

(2) ~~For \$2,000 FOR a 6-DAY license with the catering option, the annual license fee is \$2,000, and the one-time issuing fee is \$2,000.~~

(3) ~~FOR \$1,750 FOR A 7-DAY LICENSE WITHOUT THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$1,750, AND THE ONE-TIME ISSUING FEE IS \$1,500.; AND~~

(4) ~~FOR \$2,250 FOR A 7-DAY LICENSE WITH THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$2,250, AND THE ONE-TIME ISSUING FEE IS \$2,000.~~

(H) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

21-903.

(a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

~~(F) (1) (H) The annual license fee FOR A 6-DAY LICENSE is \$2,250, with a one-time issuance fee of \$2,250.~~

~~[(2)] (H) The annual catering option fee is \$500.~~

~~(2) (H) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS \$2,625, WITH A ONE-TIME ISSUANCE FEE OF \$2,250.~~

~~(H) THE ANNUAL CATERING OPTION FEE IS \$500.~~

(F) THE ANNUAL LICENSE FEES ARE:

(1) \$2,250 FOR A 6-DAY LICENSE WITHOUT A CATERING OPTION;

(2) \$2,750 FOR A 6-DAY LICENSE WITH A CATERING OPTION;

(3) \$2,625 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION; AND

(4) \$3,125 FOR A 7-DAY LICENSE WITH A CATERING OPTION.

(G) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.

1 21-904.

2 (b) There is a Class C (club and organization) beer, wine, and liquor license.

3 (g) (1) The annual license [fee is] **FEES ARE:**

4 (I) \$1,500 FOR A 6-DAY LICENSE, AND

5 (II) \$1,750 FOR A 7-DAY LICENSE.

6 (2) The ~~issuance~~ **BOARD SHALL CHARGE A ONE-TIME ISSUING** fee for a  
7 new license ~~is \$1,500, in addition~~ **IN AN AMOUNT EQUAL** to the annual license fee.

8 21-905.

9 (a) (1) There is:

10 (i) a Class D (75% on-sale) beer, wine, and liquor license; and

11 (ii) a Class D (75% off-sale) beer, wine, and liquor license.

12 (e) **THE ANNUAL LICENSE FEES ARE:**

13 ~~(1) For a 6-DAY Class D (on-sale) beer, wine, and liquor license without a~~  
14 ~~catering privilege, the annual fee is \$1,500, and the~~  
15 ~~one-time issuance fee for a new license is \$1,500.~~

16 ~~(2) For a 6-DAY Class D (on-sale) beer, wine, and liquor license with a~~  
17 ~~catering privilege, the annual fee is \$2,000, and the issuance fee for a new license is \$2,000.~~

18 ~~(3) For a 6-DAY Class D (off-sale) beer, wine, and liquor license, the~~  
19 ~~annual fee is \$3,000, and the one-time issuance fee for a new license is \$3,000.~~

20 ~~(4) FOR A 7-DAY CLASS D (ON SALE) BEER, WINE, AND LIQUOR~~  
21 ~~LICENSE WITHOUT A CATERING PRIVILEGE, THE ANNUAL FEE IS \$1,750, AND THE~~  
22 ~~ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$1,500.~~

23 ~~(5) FOR A 7-DAY CLASS D (ON SALE) BEER, WINE, AND LIQUOR~~  
24 ~~LICENSE WITH A CATERING PRIVILEGE, THE ANNUAL FEE IS \$2,250, AND THE~~  
25 ~~ISSUANCE FEE FOR A NEW LICENSE IS \$2,000.~~

26 ~~(6) FOR A 7-DAY CLASS D (OFF SALE) BEER, WINE, AND LIQUOR~~  
27 ~~LICENSE, THE ANNUAL FEE IS \$3,500, AND THE ONE-TIME ISSUANCE FEE FOR A NEW~~  
28 ~~LICENSE IS \$3,000.~~



~~[(4)] (7) The Board may grant the license holder the privilege to sell beer, wine, or liquor for off-premises consumption under subsection (d) of this section at no charge.~~

**(1) \$1,500 FOR A 6-DAY (ON-SALE) LICENSE WITHOUT A CATERING OPTION;**

**(2) \$2,000 FOR A 6-DAY (ON-SALE) LICENSE WITH A CATERING OPTION;**

**(3) \$3,000 FOR A 6-DAY (OFF-SALE) LICENSE;**

**(4) \$1,750 FOR A 7-DAY (ON-SALE) LICENSE WITHOUT A CATERING OPTION;**

**(5) \$2,250 FOR A 7-DAY (ON-SALE) LICENSE WITH A CATERING OPTION; AND**

**(6) \$3,500 FOR A 7-DAY (OFF-SALE) LICENSE.**

**(F) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

21-1001.

(a) There is a Class B-B&B (bed and breakfast) beer, wine, and liquor license.

(e) (1) The annual license fee ~~FOR A 6-DAY LICENSE IS~~ **FEES ARE:**

(i) \$25 for a **6-DAY** bed and breakfast with 5 or fewer bedrooms;

(ii) \$50 for a **6-DAY** bed and breakfast with at least 6 but not more than 10 bedrooms; ~~and~~

(iii) \$75 for a **6-DAY** bed and breakfast with 11 or more bedrooms.

~~(2) THE ANNUAL LICENSE FEE FOR A 7-DAY LICENSE IS;~~

~~(IV)~~ **(IV) \$30 FOR A 7-DAY BED AND BREAKFAST WITH 5 OR FEWER BEDROOMS;**

~~(V)~~ **(V) \$60 FOR A 7-DAY BED AND BREAKFAST WITH AT LEAST 6 BUT NOT MORE THAN 10 BEDROOMS; AND**

1 ~~(H)~~ **(VI)** **\$90 FOR A 7-DAY BED AND BREAKFAST WITH 11 OR**  
 2 **MORE BEDROOMS.**

3 **[(2)] ~~(3)~~ (F)** The Board shall charge ~~an~~ **A ONE-TIME** issuing fee **FOR A NEW**  
 4 **LICENSE** in an amount equal to the annual license fee.

5 21-1002.

6 (a) There is a Class B-resort beer, wine, and liquor license.

7 (e) (1) The annual license fees ~~FOR A 6-DAY LICENSE~~ are:

8 (i) **\$3,000 FOR A 6-DAY LICENSE** for two facilities, ~~\$3,000; and;~~

9 (ii) **\$1,500** for each additional facility, ~~\$1,500.~~ **FOR A 6-DAY**  
 10 **LICENSE;**

11 ~~(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:~~

12 ~~(I)~~ **(III)** **\$3,500 FOR A 7-DAY LICENSE** FOR TWO FACILITIES,  
 13 ~~\$3,500; AND~~

14 ~~(H)~~ **(IV)** **\$1,750 FOR EACH ADDITIONAL FACILITY,** ~~\$1,750 FOR~~  
 15 **A 7-DAY LICENSE.**

16 **[(2)] ~~(3)~~ (F)** The Board shall charge a one-time issuing fee for a new license  
 17 in an amount equal to the annual license fee.

18 21-1305.

19 (a) (1) There is a wine festival license.

20 (i) A holder of a State wholesale, Class 3 winery, or Class 4 limited winery license  
 21 may enter into an agreement with the license holder to:

22 (1) deliver wine not earlier than 2 days before the effective date of the  
 23 license; and

24 (2) accept returns not later than **[2] 5** days after the expiration date of the  
 25 license.

26 21-1309.

27 **(A)** The Board may issue a Class C multiple day beer license, beer and wine  
 28 license, and beer, wine, and liquor license for the following fees and license types:

- 1 (1) \$50 for a 2-day license;
- 2 (2) \$150 for a 6-day license; and
- 3 (3) \$300 for a 12-day license.

4 **(B) THE BOARD IS NOT REQUIRED TO HOLD A HEARING BEFORE ISSUING A**  
5 **LICENSE UNDER THIS SECTION IF:**

6 **(1) A LICENSE HOLDER ANTICIPATES ATTENDANCE OF FEWER THAN**  
7 **500 INDIVIDUALS AT AN EVENT; AND**

8 **(2) THE BOARD HAS APPROVED A LICENSE FOR THE LICENSE HOLDER**  
9 **IN THE PRIOR YEAR.**

10 21-1501.

11 (a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local  
12 Licenses”) of Division I of this article apply in the County without exception or variation:

- 13 (1) § 4-205 (“Chain store, supermarket, or discount house”);
- 14 (2) § 4-206 (“Limitations on retail sales floor space”);
- 15 (3) § 4-207 (“Licenses issued to minors”);
- 16 (4) § 4-208 (“Notice of license application required”);
- 17 (5) [§ 4-209 (“Hearing”);
- 18 (6)] § 4-210 (“Approval or denial of license application”);
- 19 [(7)] **(6)** § 4-211 (“License forms; effective date; expiration”);
- 20 [(8)] **(7)** § 4-212 (“License not property”); and
- 21 [(9)] **(8)** § 4-214 (“Waiting periods after denial of license applications”).

22 (b) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local  
23 Licenses”) of Division I of this article apply in the County:

- 24 (1) § 4-202 (“Authority of local licensing boards”), subject to §§ 21-1502  
25 through 21-1504 of this subtitle;

1                   (2)    § 4-203 (“Prohibition against issuing multiple licenses to individual or  
2 for use of entity”), subject to § 21-1505 of this subtitle and Subtitle 13, Part III and Subtitle  
3 16, Part II of this title;

4                   (3)    § 4-204 (“Prohibition against issuing multiple licenses for same  
5 premises”), subject to § 21-1505 of this subtitle; and

6                   (4)    **§ 4-209 (“HEARING”), SUBJECT TO § 21-1309 OF THIS SUBTITLE;**  
7 ~~and~~ AND

8                   (5)    § 4-213 (“Replacement licenses”), subject to § 21-1506 of this subtitle.

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.