

SENATE BILL 852

A2

6lr1311

By: **Senator Astle**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Beer and Wine Festivals**

3 FOR the purpose of expanding the types of festivals that a holder of a beer and wine festival
4 license may hold in Anne Arundel County; authorizing the Anne Arundel County
5 Board of License Commissioners to issue a certain beer and wine festival license to
6 certain nonprofit organizations under certain circumstances; providing that,
7 notwithstanding certain other provisions of law, a certain license holder may display
8 and sell beer and wine at a certain beer and wine festival without holding certain
9 permits; and generally relating to beer and wine festivals in Anne Arundel County.

10 BY repealing and reenacting, without amendments,

11 Article – Alcoholic Beverages

12 Section 2–131 and 2–134

13 Annotated Code of Maryland

14 (As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General
15 Assembly of 2016)

16 BY repealing and reenacting, with amendments,

17 Article – Alcoholic Beverages

18 Section 11–1304

19 Annotated Code of Maryland

20 (As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General
21 Assembly of 2016)

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

24 **Article – Alcoholic Beverages**

25 2–131.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) There is a nonprofit beer festival permit.

2 (b) The Comptroller may issue the permit to a nonprofit organization, as defined
3 by § 501(c)(3) of the Internal Revenue Code, that meets the requirements of this section.

4 (c) (1) The permit authorizes the permit holder to:

5 (i) conduct a nonprofit beer festival for at least 1 day and not more
6 than 3 consecutive days; and

7 (ii) purchase beer at wholesale to:

8 1. provide to a consumer a sample that may not exceed 1 fluid
9 ounce for each offering; and

10 2. sell to a consumer beer for on- and off-premises
11 consumption.

12 (2) The permit holder shall provide space at a nonprofit beer festival for
13 holders of brewing company off-site permits.

14 (3) A holder of a brewing company off-site permit that attends a nonprofit
15 beer festival may provide beer to a consumer in the same manner as the holder of the
16 nonprofit beer festival permit.

17 (4) The permit holder may provide or sell at the nonprofit beer festival only
18 alcoholic beverages provided by the permit holder or a holder of a brewing company off-site
19 permit that is in attendance.

20 (d) At all times during the nonprofit beer festival, the permit holder shall have
21 present at least two agents, one of whom may be the permit holder, who are certified by an
22 approved alcohol awareness program.

23 (e) (1) Not less than 30 days before the nonprofit beer festival, a person shall
24 submit an application to the local licensing board.

25 (2) The application shall:

26 (i) be on a form that the Comptroller provides;

27 (ii) state that the primary purpose of the nonprofit beer festival is to
28 promote Maryland beer;

29 (iii) provide details of the nonprofit beer festival, including the
30 location, dates, and times of operation; and

1 (iv) include appropriate evidence that the applicant has been given
2 permission by the owner of the property where the nonprofit beer festival is to be held.

3 (f) Not less than 15 days before the nonprofit beer festival, the permit holder shall
4 provide the local licensing board with a list of brewing company off-site permit holders that
5 will attend.

6 (g) The permit fee is \$100.

7 2-134.

8 (a) There is a wine festival permit.

9 (b) The Comptroller may issue the permit to a nonprofit organization, as defined
10 by § 501(c) of the Internal Revenue Code, that meets the requirements of this section.

11 (c) (1) The permit authorizes the permit holder to:

12 (i) conduct a wine festival for at least 1 day but not more than 3
13 consecutive days; and

14 (ii) purchase wine at wholesale to:

15 1. provide to a consumer a sample that does not exceed 1
16 fluid ounce for each offering; and

17 2. sell to a consumer wine for on- and off-premises
18 consumption.

19 (2) The permit holder shall provide space at a wine festival for holders of
20 winery off-site permits.

21 (3) A holder of a winery off-site permit that attends a wine festival may
22 provide wine to a consumer in the same manner as the holder of the wine festival permit.

23 (4) The permit holder may provide or sell at the wine festival only alcoholic
24 beverages provided by the permit holder or a holder of a winery off-site permit that is in
25 attendance.

26 (d) At all times during the wine festival, the permit holder shall have present at
27 least two agents, one of whom may be the permit holder, who are certified by an approved
28 alcohol awareness program.

29 (e) (1) Not less than 30 days before the wine festival, a person shall submit an
30 application for the permit to the Comptroller.

31 (2) The application shall:

- 1 (i) be on a form that the Comptroller provides;
- 2 (ii) state that the primary purpose of the wine festival is to promote
3 Maryland wine;
- 4 (iii) provide details of the wine festival, including the location, dates,
5 and times of operation; and
- 6 (iv) include appropriate evidence that the applicant has been given
7 permission by the owner of the property where the wine festival is to be held.
- 8 (f) Not less than 15 days before the wine festival, the permit holder shall provide
9 the Comptroller with a list of winery off-site permit holders that will attend.

10 (g) The permit fee is \$100.

11 11-1304.

12 (a) In this section, ["Festival"] **"FESTIVAL"** means the Anne Arundel County
13 Beer and Wine Festival [or], the Benson-Hammond House Strawberry Festival, **OR ANY**
14 **OTHER FESTIVAL THAT THE BOARD APPROVES UNDER THIS SECTION.**

15 (b) There is a beer and wine festival (BWF) license.

16 (c) **(1)** The Board may issue the license to a holder of a retail license, a Class
17 3 winery license, or a Class 4 limited winery license.

18 **(2) THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT**
19 **ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE, THAT**
20 **MEETS THE REQUIREMENTS OF:**

21 **(I) THIS SECTION; AND**

22 **(II) ANY REGULATIONS THAT THE BOARD ADOPTS.**

23 (d) The license authorizes the holder to display and sell:

24 (1) wine that is:

25 (i) manufactured and processed in any state; and

26 (ii) distributed in the State when the license application is filed; and

27 (2) beer that is brewed by a brewer:

- 1 (i) that brews less than 60,000 barrels of beer annually; and
2 (ii) whose product is distributed in the State when the license
3 application is filed.

4 (e) A license holder shall display and sell beer and wine:

5 (1) at retail for on- and off-premises consumption; and

6 (2) during the hours and days designated for **[the Festival] A FESTIVAL**.

7 (f) The Board:

8 (1) each year may choose 1 weekend, Friday through Sunday inclusive, for
9 **[the Festival] A FESTIVAL TO TAKE PLACE;**

10 (2) may not choose a weekend that occurs within 14 days before or after
11 the Maryland Wine Festival in Carroll County;

12 (3) shall choose a location that is not already licensed; and

13 (4) shall ensure that the primary focus of **[the Festival] A FESTIVAL** is the
14 promotion of Maryland beer and wine.

15 (g) **(1)** The license holder may hold another license of a different class or
16 nature.

17 **(2) THE LICENSE HOLDER MAY DISPLAY AND SELL BEER OR WINE AT**
18 **A FESTIVAL WITHOUT HOLDING:**

19 **(I) A NONPROFIT BEER FESTIVAL PERMIT UNDER § 2-131 OF**
20 **THIS ARTICLE; OR**

21 **(II) A WINE FESTIVAL PERMIT UNDER § 2-134 OF THIS ARTICLE.**

22 (h) Beer and wine displayed and sold shall be:

23 (1) invoiced to the license holder by a wholesaler, a Class 3 winery, or a
24 Class 4 limited winery; and

25 (2) delivered to **[the Festival] A FESTIVAL** from the licensed premises of
26 the wholesaler, Class 3 winery, or Class 4 limited winery.

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

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

3 (2) accept returns not later than 2 days after the expiration date of the
4 license.

5 (j) The Board may set the license fee.

6 (k) The Board shall adopt regulations to carry out this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2016.