

SENATE BILL 879

A2

(6lr2455)

ENROLLED BILL

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

Introduced by **Senator Edwards**

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.

President.

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)

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. ____)(6lr1406) of the Acts of the General
 3 Assembly of 2016)

4 BY repealing and reenacting, with amendments,
 5 Article – Alcoholic Beverages
 6 Section 21–601(c), 21–602(d), 21–604(c), 21–701(d), 21–801(c), 21–802(d), 21–803(e),
 7 21–805(e), 21–902(g), ~~21–903(f)~~, 21–904(g), 21–905(e), 21–1001(e),
 8 21–1002(e), 21–1305(i), 21–1309, and 21–1501
 9 Annotated Code of Maryland
 10 (As enacted by Chapter ____ (S.B. ____)(6lr1406) of the Acts of the General
 11 Assembly of 2016)

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

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

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

25 **Article – Alcoholic Beverages**

26 21–102.

27 This title applies only in Garrett County.

28 21–601.

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

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

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

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

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

4 21-602.

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

6 (d) The ANNUAL LICENSE fees are:

7 (1) **\$150** for a **6-DAY** license without a catering option~~;~~

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

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

10 (2) **\$250** for a **6-DAY** license with a catering option~~;~~

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

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

13 (3) **\$175** **FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION~~;~~**

14 (i) ~~\$175 FOR A ONE-TIME ISSUING FEE; AND~~

15 (ii) ~~\$150 FOR THE ANNUAL LICENSE FEE; AND~~

16 (4) **\$275** **FOR A 7-DAY LICENSE WITH A CATERING OPTION~~;~~**

17 (i) ~~\$275 FOR A ONE-TIME ISSUING FEE; AND~~

18 (ii) ~~\$250 FOR THE ANNUAL LICENSE FEE.~~

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

21 21-604.

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

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

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

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

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

5 21-701.

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

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

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

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

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

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

13 21-801.

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

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

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

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

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

21 21-802.

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

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

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

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

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

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

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

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

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

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

7 ~~(II) THE ANNUAL FEE IS \$350.; AND~~

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

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

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

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

13 21-803.

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

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

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

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

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

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

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

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

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

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

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1 ~~(H) THE ANNUAL FEE IS \$585; AND~~

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

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

4 ~~(H) THE ANNUAL FEE IS \$710.~~

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

7 21-805.

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

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

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

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

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

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

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

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

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

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

18 ~~(H) THE ANNUAL FEE IS \$410; AND~~

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

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

21 ~~(H) THE ANNUAL FEE IS \$535.~~

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

24 21-902.

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

2 (g) **THE ANNUAL LICENSE FEES ARE:**

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

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

7 (3) ~~FOR \$1,750 FOR A 7-DAY LICENSE WITHOUT THE CATERING~~
 8 ~~OPTION, THE ANNUAL LICENSE FEE IS \$1,750, AND THE ONE-TIME ISSUING FEE IS~~
 9 ~~\$1,500.; AND~~

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

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

14 21-903.

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

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

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

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

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

22 (F) **THE ANNUAL LICENSE FEES ARE:**

23 (1) **\$2,250 FOR A 6-DAY LICENSE WITHOUT A CATERING OPTION;**

24 (2) **\$2,750 FOR A 6-DAY LICENSE WITH A CATERING OPTION;**

25 (3) **\$2,625 FOR A 7-DAY LICENSE WITHOUT A CATERING OPTION; AND**

26 (4) **\$3,125 FOR A 7-DAY LICENSE WITH A CATERING OPTION.**

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

3 21-904.

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

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

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

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

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

10 21-905.

11 (a) (1) There is:

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

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

14 (e) THE ANNUAL LICENSE FEES ARE:

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

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

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

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

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

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

~~(4) (IV)~~ (IV) \$30 FOR A 7-DAY BED AND BREAKFAST WITH 5 OR FEWER BEDROOMS;

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

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

5 [(2)] ~~(3)~~ (F) The Board shall charge ~~an~~ A ONE-TIME issuing fee FOR A NEW
 6 LICENSE in an amount equal to the annual license fee.

7 21-1002.

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

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

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

11 (ii) \$1,500 for each additional facility, ~~\$1,500; FOR A 6-DAY~~
 12 LICENSE;

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

14 ~~(H)~~ (III) \$3,500 FOR A 7-DAY LICENSE FOR TWO FACILITIES,
 15 \$3,500; AND

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

18 [(2)] ~~(3)~~(F) The Board shall charge a one-time issuing fee for a new license
 19 in an amount equal to the annual license fee.

20 21-1305.

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

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

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

26 (2) accept returns not later than [2] 5 days after the expiration date of the
 27 license.

28 21-1309.

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

- 3 (1) \$50 for a 2–day license;
- 4 (2) \$150 for a 6–day license; and
- 5 (3) \$300 for a 12–day license.

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

8 **(1) A LICENSE HOLDER ANTICIPATES ATTENDANCE OF FEWER THAN**
9 **500 INDIVIDUALS AT AN EVENT; AND**

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

12 21–1501.

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

- 15 (1) § 4–205 (“Chain store, supermarket, or discount house”);
- 16 (2) § 4–206 (“Limitations on retail sales floor space”);
- 17 (3) § 4–207 (“Licenses issued to minors”);
- 18 (4) § 4–208 (“Notice of license application required”);
- 19 (5) [§ 4–209 (“Hearing”);
- 20 (6)] § 4–210 (“Approval or denial of license application”);
- 21 [(7)] **(6)** § 4–211 (“License forms; effective date; expiration”);
- 22 [(8)] **(7)** § 4–212 (“License not property”); and
- 23 [(9)] **(8)** § 4–214 (“Waiting periods after denial of license applications”).

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

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

3 (2) § 4-203 (“Prohibition against issuing multiple licenses to individual or
4 for use of entity”), subject to § 21-1505 of this subtitle and Subtitle 13, Part III and Subtitle
5 16, Part II of this title;

6 (3) § 4-204 (“Prohibition against issuing multiple licenses for same
7 premises”), subject to § 21-1505 of this subtitle; *[and]*

8 (4) **§ 4-209 (“HEARING”), SUBJECT TO § 21-1309 OF THIS SUBTITLE;**
9 ~~and~~ **AND**

10 (5) § 4-213 (“Replacement licenses”), subject to § 21-1506 of this subtitle.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.