

Chapter 588

(House Bill 197)

AN ACT concerning

Wicomico County – Alcoholic Beverages – Bed and Breakfast License

FOR the purpose of establishing a Class B–BB (bed and breakfast) beer and wine license in Wicomico County; providing the qualifications that must be met for issuance of the license; authorizing the license holder to sell alcoholic beverages to guests of the establishment under certain circumstances; authorizing the license holder to sell alcoholic beverages to guests of certain catered events under certain circumstances; authorizing the license holder to allow certain guests to consume personal alcoholic beverages on the premises under certain circumstances and subject to a certain limitation; specifying the hours of sale of alcoholic beverages; specifying that, except during certain catered events or ticketed events hosted by the license holder, the license does not authorize the license holder to sell alcoholic beverages to certain individuals; specifying that a license is void under certain circumstances and must be returned to the Board of License Commissioners for Wicomico County; specifying that certain restrictions do not apply to a permanent resident of the establishment or to guests of the permanent resident; requiring the license holder to retain and make available certain records; setting an annual fee for the license; and generally relating to alcoholic beverages licenses in Wicomico County.

BY renumbering

Article – Alcoholic Beverages
Section 32–1001
to be Section 32–1001.1
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 32–102
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 32–1001
Annotated Code of Maryland
(2016 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 32–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 32–1001.1.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

32-102.

This title applies only in Wicomico County.

32-1001.

(A) THERE IS A CLASS B-BB (BED AND BREAKFAST) BEER AND WINE LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE A BED AND BREAKFAST THAT:

(1) PROVIDES SERVICES ORDINARILY PROVIDED BY A BED AND BREAKFAST;

(2) HAS AT LEAST ONE ROOM BUT NOT MORE THAN 10 ROOMS, EACH WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND

(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A GUEST IF:

(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND

(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.

(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION TO A GUEST OF A CATERED EVENT AT THE BED AND BREAKFAST IF:

(I) 1. THE LICENSE HOLDER IS UNDER CONTRACT TO CATER THE EVENT;

2. THE LICENSE HOLDER CATERES THE EVENT; AND

3. FOOD IS SERVED AT THE CATERED EVENT; OR

(II) THE LICENSE HOLDER HOSTS AN EVENT FOR WHICH TICKETS ARE SOLD IN ADVANCE.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW A GUEST OF THE BED AND BREAKFAST, WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY OF THE ESTABLISHMENT, TO BRING PERSONAL ALCOHOLIC BEVERAGES ONTO THE PREMISES FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT UNDER SUBSECTION (E) OF THIS SECTION.

(E) THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, FROM 7 A.M. TO MIDNIGHT.

(F) EXCEPT DURING CATERED EVENTS THAT MEET THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS SECTION OR TICKETED EVENTS HOSTED BY THE LICENSE HOLDER, THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER AND WINE TO AN INDIVIDUAL WHO:

(1) IS NOT A GUEST OF THE BED AND BREAKFAST; OR

(2) IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST ONLY TO OBTAIN BEER AND WINE.

(G) (1) A BED AND BREAKFAST MAY NOT BE OPERATED ONLY TO SELL OR PROVIDE BEER AND WINE.

(2) IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND BREAKFAST:

(I) THE LICENSE IS VOID; AND

(II) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.

(H) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO A PERMANENT RESIDENT ON THE PREMISES OR TO GUESTS OF THE PERMANENT RESIDENT.

(I) THE LICENSE HOLDER SHALL:

(1) MAINTAIN RECORDS OF ALL CATERED EVENTS WHERE ALCOHOLIC BEVERAGES ARE SERVED; AND

(2) MAKE THE RECORDS REQUIRED UNDER ITEM (1) OF THIS SUBSECTION AVAILABLE ON REQUEST TO THE BOARD OR TO THE COMPTROLLER.

(J) THE ANNUAL LICENSE FEE IS \$300.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.