

HOUSE BILL 789

A2

EMERGENCY BILL

01r2013

By: **Washington County Delegation**

Introduced and read first time: February 3, 2020

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Wineries – Special Event Permits**

3 FOR the purpose of establishing a special event permit in Washington County; authorizing
4 a holder of a Class 3 winery license or a Class 4 limited winery license in the county
5 to sell beer, wine produced by the holder, certain sparkling wine, and liquor for
6 on–premises consumption at certain events under the permit; requiring a license
7 holder to purchase certain alcoholic beverages from a licensed retailer; requiring ~~the~~
8 ~~permit~~ a license holder to keep certain receipts for a certain period of time; requiring
9 ~~the permit~~ a license holder to notify the Board of License Commissioners for
10 Washington County on or before a certain time before using the permit; establishing
11 a certain limit on the number of times the permit may be used; establishing an
12 annual permit fee; making conforming changes; making this Act an emergency
13 measure; and generally relating to alcoholic beverages in Washington County.

14 BY repealing and reenacting, without amendments,
15 Article – Alcoholic Beverages
16 Section 31–102
17 Annotated Code of Maryland
18 (2016 Volume and 2019 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Alcoholic Beverages
21 Section 31–401
22 Annotated Code of Maryland
23 (2016 Volume and 2019 Supplement)

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.



1 BY adding to
2 Article – Alcoholic Beverages
3 Section 31–402.1
4 Annotated Code of Maryland
5 (2016 Volume and 2019 Supplement)

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

8 **Article – Alcoholic Beverages**

9 31–102.

10 This title applies only in Washington County.

11 31–401.

12 (a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of
13 Division I of this article apply in the county without exception or variation:

- 14 (1) § 2–201 (“Issuance by Comptroller”);
- 15 (2) § 2–202 (“Class 1 distillery license”);
- 16 (3) § 2–203 (“Class 9 limited distillery license”);
- 17 (4) § 2–204 (“Class 2 rectifying license”);
- 18 (5) [§ 2–205 (“Class 3 winery license”);
- 19 (6) § 2–206 (“Class 4 limited winery license”);
- 20 (7)] § 2–207 (“Class 5 brewery license”);
- 21 [(8)] **(6)** § 2–210 (“Class 8 farm brewery license”);
- 22 [(9)] **(7)** § 2–211 (“Residency requirement”);
- 23 [(10)] **(8)** § 2–212 (“Additional licenses”);
- 24 [(11)] **(9)** § 2–213 (“Additional fees”);
- 25 [(12)] **(10)** § 2–214 (“Sale or delivery restricted”);

1 [(13)] (11) § 2–216 (“Interaction between manufacturing entities and
2 retailers”);

3 [(14)] (12) § 2–217 (“Distribution of alcoholic beverages — Prohibited
4 practices”); and

5 [(15)] (13) § 2–218 (“Restrictive agreements between producers and
6 retailers — Prohibited”).

7 (b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of
8 Division I of this article apply in the county:

9 (1) § 2–205 (“CLASS 3 WINERY LICENSE”), SUBJECT TO § 31–402.1 OF
10 THIS SUBTITLE;

11 (2) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO §
12 31–402.1 OF THIS SUBTITLE;

13 [(1)] (3) § 2–208 (“Class 6 pub–brewery license”), subject to § 31–403 of
14 this subtitle;

15 [(2)] (4) § 2–209 (“Class 7 micro–brewery license”), subject to § 31–404 of
16 this subtitle; and

17 [(3)] (5) § 2–215 (“Beer sale on credit to retail dealer prohibited”), subject
18 to § 31–405 of this subtitle.

19 **31–402.1.**

20 (A) **THERE IS A SPECIAL EVENT PERMIT.**

21 (B) **THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS 3 WINERY
22 LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

23 (C) **THE PERMIT AUTHORIZES THE HOLDER TO SELL FOR ON–PREMISES
24 CONSUMPTION BEER, WINE PRODUCED BY THE HOLDER, SPARKLING WINE THAT IS
25 NATURALLY OR ARTIFICIALLY CARBONATED, AND LIQUOR AT AN EVENT FOR WHICH
26 THE ENTIRE LICENSED PREMISES HAS BEEN RENTED.**

27 (D) **THE LICENSE HOLDER SHALL PURCHASE BEER, SPARKLING WINE THAT
28 IS NATURALLY OR ARTIFICIALLY CARBONATED, OR LIQUOR INTENDED FOR SALE
29 UNDER THE PERMIT FROM A LICENSED RETAILER.**

30 (E) **THE LICENSE HOLDER SHALL KEEP ALL RECEIPTS OF PURCHASE OF
31 ALCOHOLIC BEVERAGES FOR 1 YEAR AFTER THE DATE OF PURCHASE.**

1 ~~(E)~~ (F) **THE LICENSE HOLDER THAT INTENDS TO USE THE PERMIT SHALL**
 2 **NOTIFY THE BOARD AT LEAST 1 WEEK BEFORE THE EVENT IS TO OCCUR.**

3 ~~(F)~~ (G) **THE LICENSE HOLDER MAY USE THE PERMIT NOT MORE THAN 60**
 4 **TIMES IN A YEAR.**

5 ~~(G)~~ (H) **THE ANNUAL PERMIT FEE IS \$1,000.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 7 measure, is necessary for the immediate preservation of the public health or safety, has
 8 been passed by a ye and nay vote supported by three-fifths of all the members elected to
 9 each of the two Houses of the General Assembly, and shall take effect from the date it is
 10 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.