

SENATE BILL 428

A2

4lr1675

By: **Senator McKay**

Introduced and read first time: January 19, 2024

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 23, 2024

CHAPTER _____

1 AN ACT concerning

2 **Garrett County Alcoholic Beverages Act of 2024**

3 FOR the purpose of establishing a resort beer license, a resort beer and wine license, and a
4 beer, wine, and liquor festival license in Garrett County; altering the hours of sale
5 for alcoholic beverages on Sundays for certain licenses; altering the residency
6 requirements for certain applicants for an alcoholic beverages license in the county;
7 prohibiting alcoholic beverages from being brought into places of adult
8 entertainment and consumed or transferred; establishing certain penalties for a
9 person that brings alcoholic beverages into a place of adult entertainment and
10 consumes or transfers the alcoholic beverages; altering the maximum fine for
11 violating an alcoholic beverages law affecting the county; and generally relating to
12 alcoholic beverages in Garrett County.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages and Cannabis
15 Section 21–102 and 21–2002(a)
16 Annotated Code of Maryland
17 (2016 Volume and 2023 Supplement)

18 BY adding to
19 Article – Alcoholic Beverages and Cannabis
20 Section 21–1002, 21–1002.1, 21–1304.3, 21–1408, and 21–2502
21 Annotated Code of Maryland
22 (2016 Volume and 2023 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 repealing and reenacting, with amendments,
2 Article – Alcoholic Beverages and Cannabis
3 Section 21–1002, 21–1401, 21–2002(f), 21–2003, 21–2004, and 21–2802
4 Annotated Code of Maryland
5 (2016 Volume and 2023 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 and Cannabis**

9 21–102.

10 This title applies only in Garrett County.

11 **21–1002.**

12 **(A) THERE IS A CLASS B–RESORT BEER LICENSE.**

13 **(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR A**
14 **COMPLEX THAT HAS AT LEAST TWO FACILITIES THAT ARE:**

15 **(1) LOCATED ON THE SAME CONTIGUOUS PROPERTY;**

16 **(2) SEPARATED BY AT LEAST 150 FEET FROM THE MAIN AREA OF THE**
17 **LICENSED PREMISES; AND**

18 **(3) DETERMINED BY THE BOARD TO BE HOTEL, MOTEL,**
19 **RECREATIONAL, OR RESTAURANT FACILITIES.**

20 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER FOR**
21 **ON– OR OFF–PREMISES CONSUMPTION AT A HOTEL, MOTEL, RECREATIONAL, OR**
22 **RESTAURANT FACILITY AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

23 **(D) THE LICENSE HOLDER MAY SELL BEER DURING THE HOURS AND DAYS**
24 **AS SET OUT FOR A CLASS B BEER LICENSE UNDER § 21–2002 OF THIS TITLE.**

25 **(E) THE ANNUAL LICENSE FEES ARE:**

26 **(1) \$300 FOR A 6–DAY LICENSE FOR TWO FACILITIES;**

27 **(2) \$150 FOR EACH ADDITIONAL FACILITY FOR A 6–DAY LICENSE;**

28 **(3) \$350 FOR A 7–DAY LICENSE FOR TWO FACILITIES; AND**

1 **(4) \$175 FOR EACH ADDITIONAL FACILITY FOR A 7-DAY LICENSE.**

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

4 **21-1002.1.**

5 **(A) THERE IS A CLASS B-RESORT BEER AND WINE LICENSE.**

6 **(B) THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR A**
7 **COMPLEX THAT HAS AT LEAST TWO FACILITIES THAT ARE:**

8 **(1) LOCATED ON THE SAME CONTIGUOUS PROPERTY;**

9 **(2) SEPARATED BY AT LEAST 150 FEET FROM THE MAIN AREA OF THE**
10 **LICENSED PREMISES; AND**

11 **(3) DETERMINED BY THE BOARD TO BE HOTEL, MOTEL,**
12 **RECREATIONAL, OR RESTAURANT FACILITIES.**

13 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT A HOTEL,**
14 **MOTEL, RECREATIONAL, OR RESTAURANT FACILITY AT RETAIL AT THE PLACE**
15 **DESCRIBED IN THE LICENSE:**

16 **(1) BEER AND WINE FOR ON-PREMISES CONSUMPTION; AND**

17 **(2) BEER FOR OFF-PREMISES CONSUMPTION.**

18 **(D) THE LICENSE HOLDER MAY SELL BEER AND WINE DURING THE HOURS**
19 **AND DAYS AS SET OUT FOR A CLASS B BEER AND WINE LICENSE UNDER § 21-2003**
20 **OF THIS TITLE.**

21 **(E) THE ANNUAL LICENSE FEES ARE:**

22 **(1) \$700 FOR A 6-DAY LICENSE FOR TWO FACILITIES;**

23 **(2) \$350 FOR EACH ADDITIONAL FACILITY FOR A 6-DAY LICENSE;**

24 **(3) \$820 FOR A 7-DAY LICENSE FOR TWO FACILITIES; AND**

25 **(4) \$410 FOR EACH ADDITIONAL FACILITY FOR A 7-DAY LICENSE.**

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

3 **[21-1002.] 21-1002.2.**

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

5 (b) The Board may issue the license to a license holder for a complex that has at
6 least two facilities that are:

7 (1) located on the same contiguous property;

8 (2) separated by at least 150 feet from the main area of the licensed
9 premises; and

10 (3) determined by the Board to be hotel, motel, recreational, or restaurant
11 facilities.

12 (c) The license authorizes the license holder to sell at a hotel, motel,
13 **RECREATIONAL**, or restaurant **FACILITY** at retail at the place described in the license:

14 (1) beer, wine, and liquor for on-premises consumption; and

15 (2) beer for off-premises consumption.

16 (d) The license holder may sell beer, wine, and liquor during the hours and days
17 as set out for a Class B beer, wine, and liquor license under § 21-2004 of this title.

18 (e) The annual license fees are:

19 (1) \$3,000 for a 6-day license for two facilities;

20 (2) \$1,500 for each additional facility for a 6-day license;

21 (3) \$3,500 for a 7-day license for two facilities; and

22 (4) \$1,750 for each additional facility for a 7-day license.

23 (f) The Board shall charge a one-time issuing fee for a new license in an amount
24 equal to the annual license fee.

25 **21-1304.3.**

26 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
27 **INDICATED.**

1 **(2) "FESTIVAL" MEANS THE GARRETT COUNTY BEER, WINE, AND**
2 **LIQUOR FESTIVAL.**

3 **(3) "FESTIVAL ORGANIZATION" MEANS A NONPROFIT ORGANIZATION**
4 **THAT IS CHOSEN BY THE COUNTY IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
5 **SECTION TO ORGANIZE A FESTIVAL.**

6 **(B) (1) THERE IS A BEER, WINE, AND LIQUOR FESTIVAL LICENSE.**

7 **(2) UNDER THE SUPERVISION OF THE BOARD, THE FESTIVAL**
8 **ORGANIZATION MAY CONDUCT THE FESTIVAL ANNUALLY FOR A FIXED PERIOD OF**
9 **TIME OF UP TO 3 CONSECUTIVE DAYS.**

10 **(C) (1) IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL**
11 **ORGANIZATION, THE COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION**
12 **HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE PUBLIC**
13 **EVENTS.**

14 **(2) THE BOARD MAY ISSUE NOT MORE THAN FOUR BEER, WINE, AND**
15 **LIQUOR FESTIVAL LICENSES EACH YEAR.**

16 **(D) THE BOARD MAY ISSUE THE BEER, WINE, AND LIQUOR FESTIVAL**
17 **LICENSE TO A HOLDER OF A RETAIL LICENSE OR A PERSON THAT IS ELIGIBLE TO**
18 **HOLD A CLASS C MULTIPLE DAY OR MULTIPLE EVENT LICENSE.**

19 **(E) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL**
20 **BEER, WINE, AND LIQUOR THAT IS:**

21 **(1) MANUFACTURED AND PROCESSED IN OR OUTSIDE THE STATE;**
22 **AND**

23 **(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS**
24 **FILED.**

25 **(F) A LICENSE HOLDER SHALL DISPLAY AND SELL BEER, WINE, AND**
26 **LIQUOR:**

27 **(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

28 **(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

29 **(G) THE BOARD SHALL:**

1 **(1) HOLD A HEARING ON A LICENSE APPLICATION; AND**

2 **(2) PUBLISH NOTICE OF A LICENSE APPLICATION HEARING IN A**
3 **NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONE TIME AT LEAST 7 DAYS**
4 **BEFORE THE HEARING.**

5 **(H) (1) THE BOARD SHALL CHOOSE A LOCATION FOR THE FESTIVAL THAT**
6 **IS NOT ALREADY LICENSED.**

7 **(2) IF THE LOCATION CHOSEN ALLOWS FOR SUNDAY SALES, SUNDAY**
8 **SALES MAY BEGIN AT 10 A.M.**

9 **(I) BEER, WINE, AND LIQUOR DISPLAYED AND SOLD SHALL BE:**

10 **(1) INVOICED TO THE LICENSE HOLDER BY A RETAILER OR**
11 **WHOLESALE; AND**

12 **(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF**
13 **THE RETAILER OR WHOLESALE.**

14 **(J) A HOLDER OF A RETAIL LICENSE OR STATE WHOLESALE'S LICENSE**
15 **MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF THE BEER, WINE, AND**
16 **LIQUOR FESTIVAL LICENSE TO:**

17 **(1) DELIVER BEER, WINE, AND LIQUOR NOT EARLIER THAN 2 DAYS**
18 **BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

19 **(2) ACCEPT RETURNS NOT LATER THAN 5 DAYS AFTER THE**
20 **EXPIRATION DATE OF THE LICENSE.**

21 **(K) THE BOARD SHALL ESTABLISH THE BEER, WINE, AND LIQUOR FESTIVAL**
22 **LICENSE FEE.**

23 **(L) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

24 21-1401.

25 (a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses")
26 of Division I of this article apply in the county without exception or variation:

27 (1) § 4-102 ("Applications to be filed with local licensing board");

28 (2) § 4-103 ("Application on behalf of partnership");

- 1 (3) § 4-104 (“Application on behalf of corporation or club”);
2 (4) § 4-105 (“Application on behalf of limited liability company”);
3 (5) § 4-106 (“Payment of notice expenses”);
4 (6) § 4-108 (“Application form required by Comptroller”);
5 (7) [§ 4-109 (“Required information on application – In general”);
6 (8)] § 4-110 (“Required information on application – Petition of support”);
7 [(9)] (8) § 4-113 (“Refund of license fees”); and
8 [(10)] (9) § 4-114 (“Fees for licenses issued for less than 1 year”).

9 (b) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
10 of Division I of this article apply in the county:

- 11 (1) § 4-107 (“Criminal history records check”), subject to §§ 21-1402
12 through 21-1405 of this subtitle;
- 13 (2) **§ 4-109 (“REQUIRED INFORMATION ON APPLICATION – IN**
14 **GENERAL”), SUBJECT TO § 21-1408 OF THIS SUBTITLE;**
- 15 (3) § 4-111 (“Payment of license fees”), subject to § 21-1406 of this subtitle;
16 and
- 17 [(3)] (4) § 4-112 (“Disposition of license fees”), subject to § 21-1407 of this
18 subtitle.

19 **21-1408.**

20 (A) **AT THE TIME AN APPLICATION FOR AN ALCOHOLIC BEVERAGES**
21 **LICENSE IS FILED, AT LEAST ONE OF THE APPLICANTS SHALL BE A RESIDENT OF THE**
22 **STATE.**

23 (B) **THE LICENSE REMAINS VALID ONLY FOR AS LONG AS AT LEAST ONE OF**
24 **THE APPLICANTS REMAINS A RESIDENT OF THE STATE.**

25 21-2002.

26 (a) This section does not apply to the hours of sale on December 31 and January
27 1 set out in § 21-2007 of this subtitle.

1 (f) Sunday sales for a Class A, Class B, or Class D license are allowed from [10
2 a.m.] **6 A.M.** to midnight in:

3 (1) election districts 11 and 15; and

4 (2) any other election district or precinct of an election district in which the
5 voters in a referendum authorized by law approve Sunday sales as specified in this
6 paragraph.

7 21–2003.

8 (a) This section does not apply to the hours of sale on December 31 and January
9 1 set out in § 21–2007 of this subtitle.

10 (b) (1) A holder of a Class A beer and wine license may sell beer and wine on
11 Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

12 (2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

13 (i) election districts 11 and 15; and

14 (ii) any other election district or precinct of an election district in
15 which the voters in a referendum authorized by law approve Sunday sales as specified in
16 this paragraph.

17 (c) (1) A holder of a Class B beer and wine license may sell beer and wine on
18 Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

19 (2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

20 (i) election districts 11 and 15; and

21 (ii) any other election district or precinct of an election district in
22 which the voters in a referendum authorized by law approve Sunday sales as specified in
23 this paragraph.

24 (d) Reserved.

25 (e) (1) A holder of a Class D beer and wine license may sell beer and wine on
26 Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

27 (2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

28 (i) election districts 11 and 15; and

1 (ii) any other election district or precinct of an election district in
2 which the voters in a referendum authorized by law approve Sunday sales as specified in
3 this paragraph.

4 21–2004.

5 (a) This section does not apply to the hours of sale on December 31 and January
6 1 set out in § 21–2007 of this subtitle.

7 (b) Reserved.

8 (c) (1) A holder of a Class B beer, wine, and liquor license may sell beer, wine,
9 and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

10 (2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

11 (i) election districts 11 and 15; and

12 (ii) any other election district or precinct of an election district in
13 which the voters in a referendum authorized by law approve Sunday sales as specified in
14 this paragraph.

15 (d) (1) A holder of a Class BDR (deluxe restaurant) beer, wine, and liquor
16 license may sell beer, wine, and liquor on Monday through Saturday, from 6 a.m. to 2 a.m.
17 the following day.

18 (2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

19 (i) election districts 11 and 15; and

20 (ii) any other election district or precinct of an election district in
21 which the voters in a referendum authorized by law approve Sunday sales as specified in
22 this paragraph.

23 (e) (1) A holder of a Class C beer, wine, and liquor license may sell beer, wine,
24 and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

25 (2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:

26 (i) election districts 11 and 15; and

27 (ii) any other election district in which the voters by referendum
28 approve Sunday sales.

29 (f) (1) A holder of a Class D beer, wine, and liquor license may sell beer, wine,
30 and liquor on Monday through Saturday, from 6 a.m. to 2 a.m. the following day.

- 1 (2) Sunday sales are allowed from [10 a.m.] **6 A.M.** to midnight in:
- 2 (i) election districts 11 and 15; and
- 3 (ii) any other election district or precinct of an election district in
- 4 which the voters in a referendum authorized by law approve Sunday sales as specified in
- 5 this paragraph.

6 **21-2502.**

7 **(A) ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT INTO AN**

8 **ESTABLISHMENT AND CONSUMED OR TRANSFERRED IF THE ESTABLISHMENT IS A**

9 **PLACE OF ADULT ENTERTAINMENT OF THE TYPE PROHIBITED UNDER § 4-605 OF**

10 **THIS ARTICLE.**

11 **(B) (1) A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT**

12 **WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION IS GUILTY OF A**

13 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000**

14 **FOR EACH VIOLATION.**

15 **(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A**

16 **SEPARATE VIOLATION.**

17 21-2802.

18 The Board may impose a fine not exceeding [~~\$3,000~~] **\$5,000** or suspend a license for

19 a violation of the alcoholic beverages laws affecting the county.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July

21 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.